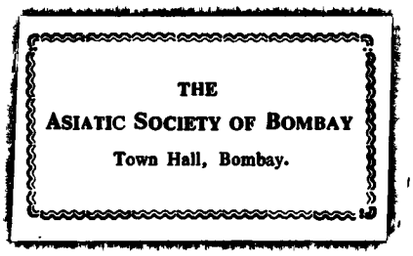
00108327



Digitized with financial assistance from

Government of Maharashtra

on 01 February, 2020

REPORT

FROM THE

COMMISSIONERS

APPOINTED BY HIS MAJESTY

TO EXECUTE THE

MEASURES RECOMMENDED

BY A

108327

SELECT COMMITTEE OF THE HOUSE OF COMMONS

RESPECTING

The Public Records of the Kingdom,

&c.

WITH AN ACCOUNT OF THEIR PROCEEDINGS,
1800—1812.

Ordered, by The House of Lords, *to be printed,*
8th June 1812.

00108327

REPORT

FROM THE

COMMISSIONERS

APPOINTED BY HIS MAJESTY TO EXECUTE THE

MEASURES RECOMMENDED

BY A

SELECT COMMITTEE OF THE HOUSE OF COMMONS,

RESPECTING

The Public Records of the Kingdom, &c.

IN order to give a clear and comprehensive Account of the Proceedings which have taken place, under the Commission which was issued in the Year 1800, and afterwards renewed in 1806, for the better Arrangement and Preservation of the Public Records of the Realm, it is proposed in the First Place to state the Origin of those Commissions, and the general Course adopted for carrying them into Execution; Secondly, the Result, so far as the specific Measures thereby directed have been hitherto carried into Execution; and Thirdly, to point out some of the general Consequences which the Prosecution of these Measures has produced respecting the Custody and Arrangement of the Public Records throughout the United Kingdom.

I.

1. In the early part of the Year 1800 the State of the Public Records was brought under the Consideration of the House of Commons; and thereupon a Select Committee was appointed "to "enquire into the State of the Public Records of Great Britain, and of such other Public Instru- "ments, Rolls, Books, and Papers, as they should think proper; and to report to The House, "the Nature and Condition thereof; together with what they should judge fit to be done, for the "better Arrangement, Preservation, and more convenient Use of the same."

2. Towards the End of the same Session of Parliament, the Committee presented to the House the Result of their Labours, in the Form of Two connected Reports; wherein, after setting forth a brief Account of the Measures taken upon this Subject under the Authority of the Crown and Parliament in former Times, and also relating the Course of Proceeding by which their own Inquiries had been conducted, the Committee finally submitted to the Judgment of the House certain Measures for the better Preservation, Arrangement, and more convenient Use of the Contents of all the various Public Repositories; together with systematical and alphabetical Enumerations of all the Recorded Memorials of the History, Laws, and Government of England, from the Period of its Conquest by the Normans, to the Year in which the Union took place between Great Britain and Ireland.

3. Upon the Foundation of these Reports, an Address from the House of Commons was Appendix, A. immediately presented to His Majesty, humbly representing that the Public Records of the Kingdom were in many Offices unarranged, undescribed, and unascertained; that many of them were exposed to Erasure, Alteration, and Embezzlement, and were lodged in [illegible] modious and insecure; and that it would be beneficial to the Public Service that [illegible] Papers contained in many of the Principal Offices and Repositories should [illegible] that certain of the more antient and valuable amongst them should be p[illegible] beseeching His Majesty, that He would be graciously pleased to give such Di[illegible] His Majesty in his Royal Wisdom should think fit.

And before the Prorogation of the Session took place, the Chancellor of the Exchequer by His Majesty's Command acquainted the House of Commons, that His Majesty would give Directions for carrying into Effect the Measures recommended in their Address.

Appendix, B.

4. Accordingly, by Commission under His Majesty's Sign Manual, dated the 19th Day of July 1800, His Majesty was graciously pleased to appoint William Henry Cavendish Duke of Portland, Knight of the Most Noble Order of the Garter, William Wyndham Baron Grenville, and The Right Honourable Henry Dundas, the Three Principal Secretaries of State, The Right Honourable Henry Addington, Speaker of the House of Commons, The Right Honourable William Pitt, Chancellor and Under Treasurer of the Exchequer and First Commissioner of the Treasury, The Right Honourable Sir Richard Pepper Arden Knight, Master of the Rolls, The Right Honourable Lord Frederick Campbell, Clerk Register of Scotland, The Right Honourable Sylvester Douglas, One of the Commissioners of the Treasury, Sir John Mitford Knight, Attorney General, Sir William Grant Knight, Solicitor General, Robert Dundas Esquire, Advocate for Scotland, and Charles Abbot Esquire, to be His Commissioners for giving Effect to the Measures recommended by the Address of the House of Commons. By the Tenor of their Appointment They were required to certify from Time to Time, under their Hands and Seals, to the Lord High Treasurer, or to the Commissioners of His Majesty's Treasury, what should be a fit and suitable Recompence to the several Persons employed under them, for their Pains and Services in the Execution of the Duties to be by them performed; and They were also required to certify annually to His Majesty in His Privy Council, all and every of the several Proceedings of themselves and of the Persons employed under them, together with such other Matters, if any, as they might think deserving of His Majesty's Royal Consideration.

Appendix, B.

At a subsequent Period, by another Commission, bearing date the 23d Day of May 1806, after reciting that Progress had been duly made under the former Commission, but that some of the Commissioners therein named were then deceased, or had become less able to attend to the Duties required of them; and that it had become expedient to appoint others in their Place, and also to increase the Number of the said Persons so to be appointed, in such Manner as might give more complete and permanent Effect to His Majesty's Royal Intentions in that Behalf, His Majesty was graciously pleased to appoint, with like Powers and under like Instructions, William Wyndham Baron Grenville, First Commissioner of the Treasury, or the First Commissioner of the Treasury for the Time being, George John Earl Spencer Knight of the Most Noble Order of the Garter, The Right Honourable Charles James Fox and William Windham, the Three Principal Secretaries of State, or the Three Principal Secretaries of State for the Time being, The Right Honourable Charles Abbot Speaker of The House of Commons, or the Speaker of the House of Commons for the Time being, The Right Honourable Sir William Grant Knight, Master of the Rolls, or the Master of the Rolls for the Time being, Henry Erskine Esquire, Advocate for Scotland, or the Advocate for Scotland for the Time being, Henry Viscount Sidmouth, The Right Honourable Lord Frederick Campbell, Sylvester Baron Glenbervie of the Kingdom of Ireland, John Baron Redesdale, the Right Reverend Father in God John Lord Bishop of Oxford, and The Right Honourable Charles Bathurst, William Wickham, and Nathaniel Bond, to be His Commissioners for carrying the Measures recommended by The Commons into further Effect.

5. In Execution of these Two successive Commissions, the Persons severally therein named have proceeded to discharge the Duties therein specified.

The first Meeting of the Commissioners took place on the 22d of July 1800; and thereupon after appointing a Secretary to conduct their Correspondence, and superintend the Execution of their Orders, they appointed also divers other Persons skilled in the Business pertaining to the said Commission, to act as their Sub-Commissioners in the several Departments specially assigned to each: The Progress made by each Sub-Commissioner was thereafter certified by the Secretary in Monthly Returns to the Commissioners, and at the Close of the Year, he also laid before the Board a Summary of all the several Works performed in each Department respectively; upon Consideration whereof the Commissioners proceeded to prepare and authenticate the Two Certificates Commission under which they were appointed.

800 to the present Time, the Business of these Commissions has been always same Regulations, with the like Monthly Reports, Annual Summary, or Certificates; and no Variation whatever in the Course of these Proceedings

An

An Account of the Sums issued annually to the Commissioners, and disbursed by them in Remuneration of the several Persons employed under them in England and Scotland, from 1800 to 1812, is also subjoined; all which Payments have been duly examined with their respective Vouchers to the Twenty-fourth Day of June in the Year 1809 inclusive, and have been allowed by the Treasury; and the further Accounts and Vouchers for the Disbursements in England to the Date of this Report, are now before the Treasury for Examination. Appendix, D.

II.

§ 1. The Measures recommended by The House of Commons, as will appear by referring to the Report of their Committee, were divided into those which separately regarded England and Scotland; Those for England were again distributed under the general Heads of 1. Buildings. 2. Calendars and Indexes. 3. Transfers. 4. Establishments of Office. 5. Selection of Original Records and Documents for Publication: Those for Scotland comprized all the like Heads, together with the additional Subject of Registration.

Of these Measures, some have been already completed, others are in progress, others are for the present postponed, and the rest have been found, upon consideration, not to be within the Powers vested in the Commissioners: And the Consolidated Result of all the Proceedings under each Commission is exhibited in the Lists subjoined to this Return, shewing the Date of each successive Order for directing the conduct of each separate Measure, and its final Completion, or present State. Appendix, E.

§ 2. Amongst the Principal Measures which have been carried into Execution either by the Commissioners themselves, or by His Majesty's Government in Conformity with the Views of the Commissioners, or by the Authority of Parliament, are the following:

1. With respect to Buildings. Upon the earnest Representations of the Commissioners, some steps have been taken, towards providing a more secure Repository for the State Papers in London, and also towards rendering the Arrangement of the State Paper Office more complete and more suitable to the Dignity and Importance of their Nature, and their Utility to the Public Service; Objects for which this Country has not as yet made any adequate Provision.

An increased Accommodation has been provided for the Journal and Paper Office of the House of Commons; and also for the Record Offices in the Chapter House of Westminster, and at the Tower of London; and in like manner for those Offices of the Court of Chancery, which serve for the Business of the Clerk of the Crown, the Petty Bag, the Cursitors, and the Examiners.

2. With respect to Catalogues, Calendars, and Indexes: The Arrangement of the Records in the Chapter House has been completed, and an entire Catalogue of its Contents has been formed. One Copy whereof is preserved in the Chapter House itself, another has been deposited in the Tower, and a Third in the British Museum.

The unarranged Records in the Tower have been so far examined, that several of them have been sorted into Classes, and Calendars are now forming to many curious and neglected Records in that antient Repository. The Parliamentary Writs, the County Placita, and the Proceedings of the Court of Chancery, which are from Time to Time transmitted thither for Custody, have been put into a due Train for having their Contents arranged in Catalogues and Indexes.

The Calendars of the Memoranda in the Office of the Lord Treasurer's Remembrancer in the Exchequer have been revised and much enlarged, and continued from the First Year of King John to the beginning of King Edward the First.

In Scotland, the General Register House has undergone a thorough Survey, and in many Parts a new Arrangement, in consequence of the necessary Repairs and Compression of [illegible] Records and MSS. which had been antiently neglected and considerably damaged before their [illegible] Parliament House to the present Edifice. A Repertory or Catalogue of all the [illegible] extensive Building has also been prepared, in conformity with the Plan adopted [illegible] House at Westminster, by the double Method of ichnographical Distributio[illegible] Reference.

3. With respect to Transfers: In England, above 4,000 Rolls have been transferred from the Land Revenue Office to the Augmentation Office, to which they more properly belong; and from the Augmentation Office many Rolls and Books have been transferred to their proper Repository in the respective Offices of the Duchy of Lancaster and Duchy of Cornwall.

The Necessity of a regular and annual Transmission of the Copies of Parish Registers in every Diocese to the Diocesan, or his Chancellor, according to the Canon of 1603, as the best Method for preserving these Evidences of Title and Pedigree from Spoliation or Confusion, induced the Commissioners at the Outset of their Proceedings in the Year 1800, respectfully to submit to the Archbishops of Canterbury and York, the Propriety of their using such Means within their respective Provinces, as they might judge expedient for ensuring the due Observance of that Regulation.

In Scotland, the speedy Transmission of the subordinate Records and Registers to the General Register House at Edinburgh, was provided for by Parliament in the Year 1809; and other important Regulations for the like Purpose were established by another Statute in the Year 1810; and the antient Records of Tailzies and Inventories, and those of the Privy Council and Court of Justiciary, have been transferred to the General Register House.

Stat. 49 G. 3. c. 42.
Stat. 50 G. 3. c. 112.

4. With respect to the Establishments of Office, and the Duties and Emoluments of the Record Officers, it has not been found practicable to make any Alteration in England, principally on account of the vested Rights of Individuals. But by the Provisions of an Act passed in the Year 1810, the Forms of extracting the Decrees of the Court of Session in Scotland, and the Fees connected therewith, have been altered, and subjected to new Regulations.

Stat. 50 G. 3. c. 112.

5. Of the WORKS PRINTED by Order of the Commissioners, the Calendars, Catalogues, and Indexes form One Description; and the rest consist of Original Records, selected and published Entire, or by Abstract, according to their apparent Utility.

The Printed CALENDARS, CATALOGUES, and INDEXES of English Records, consist of a Consolidated Index to the Two Books of Domesday, distinguishing the Tenants, Tenures, and Principal Matters; also, Chronological Calendars to The Inquisitions Post Mortem, The Charter Rolls and Inquisitions ad Quod Dammum, The Patent Rolls in the Tower, and the Originalia of the Lord Treasurer's Remembrancer's Office in the Exchequer; each however of the preceding Compilations relates only to the early Periods of our History. Besides these, a Catalogue of the Cottonian MSS. in the British Museum has been published, and the Catalogue of the Harleian MSS. has been revised, enlarged, and reprinted with the usual Alphabetical Indexes, and also with the additional Advantage of an Analytical Index classed according to the different Branches of Learning to which those MSS. relate, for the purpose of affording a more ready clue to their Contents, such Collections losing otherwise from their Miscellaneous Nature much of their Public Utility. A Catalogue of the Lansdowne MSS. including the Burleigh Papers, is also preparing for the Press with similar Indexes.

F. 3.
F. 4.
F. 5.
F. 6.
F. 7.

The ORIGINAL RECORDS, of which Entire Copies or Abstracts have been printed in England, comprehend some of the most important Muniments of its Civil and Ecclesiastical History.

Amongst the most important Records of the Civil History of this Country are its STATUTES; and of these an authentic Edition has been undertaken, of which the First Volume has been already published, comprising the Charters of the Liberties of England, and all the Statutes hitherto acknowledged as such, from their earliest Date to the conclusion of the Reign of Edward the Third; with a large Introduction, explanatory of the Principles adopted and the Methods used in preparing this Work for the Press. The Collection of Charters pursues and completes the Plan of Sir William Blackstone: and in publishing the Statutes of the Realm (so denominated in the Statutes themselves) the Rules generally observed in the Selection of Sources for the Text, and in the Use of occasional References to other Sources, in the Nature of Various Readings, are conformable to the Course which has been long since sanctioned by the Authority and Example of Lord Coke, Serjeant Hawkins: but in consequence of further Researches, this Publication large and important Additions, for which the precise Authorities are noted. Second and Third Volumes of this Work, extending to the Reign of Henry w printing concurrently.

nd REPORTS of the House of Commons are also reprinting in conformity with a he House of Commons in 1803; and in this Series all the Reports from the Year 00, upon Matters of State Policy, Domestic or Colonial, or of any considerable Importance,

Importance, respecting Finance, Agriculture, Trade, or Commerce, not included in the Body of the Journals, have been collected and arranged in Volumes according to their Subjects, and will be published with a General Index to the whole Series.

Of the great Collection of Documents known by the Name of RYMER's FŒDERA, it has been determined to print a new Compilation, including all hitherto published by Rymer (Repetitions excepted) and completing it by the Aid of many Sources not open to his Industry; with a Continuation also to the Period of the Revolution. Large Materials for this Purpose have been collected, and are collecting; and a detailed Plan of Contents for the First Volume is now under the Consideration of the Commissioners. Appendix, I.

To the Civil History of England also belong the following Works published under the Authority of the Commissioners, namely, An Abstract of the most antient Rolls of Pleadings in the King's Superior Courts, intitled ABBREVIATIO PLACITORUM, preserved in the Chapter House, and extending through the Reigns of Richard I. John, Henry III. Edw. I. and Edward II.—The antient Feudal Survey intitled TESTA DE NEVILL, of the Reigns of Henry III. and Edward I.—The HUNDRED ROLLS of the Reign of Edw. I. shewing the Franchises then claimed; and to these will be added an Abstract of the Pleadings in QUO WARRANTO, by which these Claims were brought under Adjudication. Appendix, K. 1. K. 2. K. 3.

The ECCLESIASTICAL Records which have been collected and printed, are the TAXATION OF POPE NICHOLAS IV. in the Reign of Edward I.—the INQUISITIONES NONARUM in the Reign of Edw. III.—and the VALUATION OF DIGNITIES AND BENEFICES made by the Authority of Henry VIII: Of this latter Work, One Volume, comprehending the Dioceses of Canterbury, Rochester, Bath and Wells, Bristol, Chichester, and London, and illustrated with Diocesan Maps accommodated to the Nomenclature of the Original Valuation, has been printed; and the rest are in considerable Progress. Appendix, L. 1. L. 2. L. 3.

The ROTULI SCOTIÆ in the Tower of London constitute an important Collection of Records illustrative of the Political Transactions between England and Scotland; and an Abstract of these Rolls from the Nineteenth Year of Edward the First to the end of Edward the Third has been long in the Press, and is now nearly completed for Publication. Appendix, M. 1.

In SCOTLAND, the only Work hitherto published is, An ABRIDGEMENT OF THE RETOURS OF SERVICES for all the Counties of Scotland from A.D. 1546 to A.D. 1700. But a Selection of ROYAL CHARTERS is printing, together with an Abridgement of the Register of the Great Seal. The Records of the PRIVY COUNCIL of Scotland have also been thought deserving of Examination, and a considerable Portion of their Contents has been selected and transcribed for the Press. A Collection of all the PARLIAMENTARY PROCEEDINGS of Scotland, whilst a separate Kingdom, has been for a considerable Time past in preparation. The Commissioners, by the Advice of the Lords of Session, propose to divide this Work into Three Periods; namely, 1. Prior to the Accession of King Robert I. A.D. 1306; 2. To the Return of King James the First, A.D. 1424; 3. To the Union A.D. 1707. The Materials for the last of these Periods are distributed under Two principal Heads, entitled, I. Acts of Parliament; and II. Acts which are of a Judicial Nature, which latter are divided into "Acta Dominorum ad Causas et Querelas audiendas electorum;" and "Acta Dominorum Concilij." The Commissioners, by the same Advice, have thought proper to begin by printing such as belong to the last of the Three Periods above mentioned. Appendix, M. 2. M. 3. M. 4. M. 5.

§ 3. Of all these Works printed in England and Scotland a List is subjoined to this Return, specifying the Periods of History to which they belong, the Dates of their Publication respectively, and the Number of Volumes to which each Work extends; noticing also those which are now printing, and those which are transcribed or transcribing for the Press.—It is not the present Intention of The Commissioners to direct the printing of any other Works beyond those already directed and above enumerated. Appendix, N.

The Number of Copies printed has been different in different Instances. Of those Works which were most costly, and where the principal Object was to secure a correct Text, to which private Editors might afterwards resort (and such was peculiarly the Case with the projected Edition of the Statutes), The Commissioners came to a very early Determination, and upon Consultation with the most experienced Persons in the Year 1802, they were of Opinion that this Impression should not exceed Five Hundred Copies. Of other Works, however moderate the Expence might be, yet if not likely to be in very general Request (and such, for Instance, were all which exclusively concerned Scotland), they limited the Impression to One Thousand: And although of some Works an Impression was

printed sufficiently large to supply the Members of both Houses of Parliament, yet of late it has been deemed more adviseable not to exceed One thousand in any Instance whatever.

But in order that these various Publications may be very generally distributed for Public Use and Convenience, and at the same Time securely preserved, Copies have been delivered to all the principal Public Libraries and Repositories Civil and Ecclesiastical throughout the United Kingdom, according to a List approved by the Lords Commissioners of His Majesty's Treasury, and hereunto annexed. And all the Surplus Stock, secured for the present in Stores properly inventoried and insured, has (with a very limited Reserve explained in the same List) been put into a course of gradual Sale, by the Authority of the Lords Commissioners of His Majesty's Treasury, for the double Purpose of placing these Publications within the reach of all Persons who may be desirous of possessing them, and also of liquidating in part the necessary Expences of the Commission, by applying the Proceeds in Reduction of the Annual Provision made by Parliamentary Grant.

Appendix, O.

III.

Beyond this Narrative, and Explanation of the Works executed under these Commissions, there are several Consequences of a more general Nature resulting from their Operation, which it may be proper also to notice.

§ 1. The Instruction of Persons, who may by their Employment upon the present Occasion acquire and transmit to others that peculiar Species of Knowledge which is requisite for the right Understanding of Records, has appeared to the Commissioners to be of considerable Importance; and they have not been disappointed in their Endeavours to provide for it.

By the Authority of the Lords Commissioners of His Majesty's Treasury, an enlarged Establishment of Clerks has been allowed to the Keeper of the Records in His Majesty's Tower of London, in order to expedite the Arrangement of the Rolls of various Sorts in that Office; and the Keeper of the Tower Records is required to make an annual Report of their specific Employment and Work done.

Appendix, P.

In like Manner, by the liberal Co-operation of the Keeper of the Records in the Chapter House of Westminster, Persons recommended by The Commissioners as the best qualified, have been appointed in Succession to the vacant Situations upon that Establishment: And in the Office of the Lord Treasurer's Remembrancer in the Exchequer, similar Opportunities have been made available.

In Scotland, at the Instance of the Commissioners, and in concurrence with the Lord Clerk Register of Scotland, the Office of Deputy Clerk Register has been created, under His Majesty's Authority. The Warrant and Commission for appointing this Officer prescribe his general Duties; the particular Detail whereof, and the Method of rendering their Execution most useful to the Public, were adjusted by the Lord Clerk Register himself, upon personal Conference with the Great Law Officers of Scotland; and the solid Improvements which have been since made, in the extensive System of Registration which prevails there, have justified the Wisdom and Expediency of that Appointment.

§ 2. The general Introduction of greater Regularity into the Arrangement of many Public Repositories has also followed, in some Instances, from the special Interposition of the Commissioners, and in others from the increased Attention to those Matters, which the Operation of the Commissions has excited.

Appendix, Q.

Thus, upon the Representations of the Commissioners, the Barons of the Court of Exchequer at Westminster have provided for the more regular keeping of the Records belonging to the Office of His Majesty's Remembrancer, which had fallen into great Disorder; and a Certificate respecting the State of these Records is required to be read annually in Open Court.

And by divers Communications made from Time to Time to the Commissioners, it has been certified that the Archives and Muniments of some Cathedrals and several Corporations, both Lay and Ecclesiastical, have been placed within these few Years in a very improved State of Security and Order.

Appendix, R.

§ 3. Many important Records have also been discovered in the course of these Researches, which had been supposed to be no longer in Existence, or had been lost in the confused Heaps of unarranged Materials. Some of these Discoveries have been made in the Progress of arranging the unsorted Records of different Offices; and others during the course of a Search for Charters and Statutes in the Cathedrals, Universities, and other public Repositories of Records throughout

out England and Ireland; Two Sub-Commissioners having been employed in the Year 1806 upon that special Service; and much additional Information has been obtained in consequence of these various Exertions, and large Additions have been made to the Knowledge of our antient Records, over and above the Matters specified in the several Returns to the Select Committee of the House of Commons, upon whose Labours these Commissions have been founded.

1. In ENGLAND, amongst The CHARTERS of the Liberties of England, the Carta de Foresta 2 Hen. III. concerning which Sir William Blackstone supposed that "the original and all authentic "Records were lost," has been found at Durham; and the Originals of many other Instruments inserted in the Collection of Charters prefixed to the authentic Edition of the Statutes, have been discovered in the course of the same Researches.

2. In the TOWER of London, the Diligence of the present Keeper of the Records has brought to light a large Collection of Parliamentary Petitions, exceeding Six thousand in number; many Parliamentary Returns from the Reign of Henry the Sixth to the Restoration of Charles the Second; some Parliamentary Surveys of Ecclesiastical Benefices, made during the Usurpation, of the same Nature with the larger Number now deposited in the Manuscript Library at Lambeth Palace; a voluminous Collection of Letters Missive from the Kings of England, many of them in their own Hand-writing, beginning with Henry the Third, and extending to the Reign of Richard the Third; State Papers also, in great Numbers, and of various Sorts, many of which are inserted in Rymer's Fœdera, but without any Reference to the Original, or its Place of Deposit; besides a large Mass of Judicial Proceedings in the Reigns of Hen. III. Edw. I. and Edw. II. some Forest Surveys, and private Muniments of different Descriptions. Appendix, S.

3. In the CHAPTER HOUSE at Westminster, a great Variety of Instruments not heretofore noticed in the Calendars of that Repository, comprehending State Papers, and Records Parliamentary and Judicial, of almost every Kind, has been brought to light; many of these are of great Importance to the connected History of England and Scotland; others relate to the Details of Government in the Reigns of Hen. VII. and Hen. VIII. including the Letters of Cardinal Wolsey and Lord Cromwell; others to the Landed Possessions which have been vested in the Crown from Time to Time by Attainder and other Titles; and a considerable Addition has been lately made to the Contents of this Building by the Transfer of a large Mass of Rolls of Fines, which have been rescued from Destruction by Damp, to which they were exposed in their former Situation under the Temple Church, and which are now arranged and made accessible for Public Use. Appendix, T.

4. In the Office of The KING'S REMEMBRANCER, many Civil and Ecclesiastical Records have been found, of divers sorts and dates, hitherto unnoticed; Extents of the Manors and Possessions of Abbies of Royal Foundation, and of Alien Priories, and of the Knights Templars in England upon the Suppression of their Order; Extents and Accounts of the Duchy of Cornwall in the Time of the Black Prince; Escheat Rolls from Edw. I. to the Time of Eliz.; Taxations of the Clergy and Laity; and Accounts of Offices, Civil and Military, under the Crown, from Edw. I. to Car. II. And in the Office of The LORD TREASURER'S REMEMBRANCER, the Pipe Roll of 26 Hen. II. has been discovered, which is one of the most antient Records of that Sort now known to be extant. Appendix, U.

§ 4. In SCOTLAND the Commissioners have endeavoured to carry into Execution the various Measures to which their Duties were directed, and the beneficial Effects of their Endeavours have been acknowledged by the highest Judicial Authorities in that Part of the United Kingdom. At the Instance of the Commissioners, repeated Conferences were holden at Edinburgh, in the Years 1807, 1808, and 1809, between the Lord Clerk Register and the great Law Officers of Scotland; and many Arrangements were made under their conjoint Authority. The Annual Reports required from the Deputy Clerk Register, and which by the Tenor of his Appointment are to be submitted to the Court of Session, have been also referred annually by that Court, to Committees of their own learned Body, who have successively declared their high Approbation of the Proceedings of that Officer, and have also assisted this Board by their valuable Suggestions. Several new and important Regulations have been consequently established by Acts of Sederunt; and effectual Measures have been taken by The Faculty of Advocates for the Publication of a more correct Edition of the Statute Law of Scotland. Appendix, V. Appendix, W. Appendix, X.

Many Defects and Irregularities having gradually impaired some Parts of the Process by which the Registration of Deeds is secured in that Part of the United Kingdom, a Bill for remedying these Evils was prepared in the Year 1808 by Direction of the Commissioners, and submitted to the Consideration and Revision of the principal Judges and Law Officers of Scotland, and they having approved of its Objects and Provisions, it has since been passed into a Law, under the Title of "AN ACT FOR BETTER REGULATING THE PUBLIC RECORDS OF SCOTLAND;" and its Operation appears to have been satisfactory and effectual for the Ends to which it was directed. Stat. 49 G. 3. c. 42.

In the GENERAL REGISTER HOUSE, the number of original Documents relative to the Transactions between Scotland and other Kingdoms, is inconsiderable, in Comparison with what must have formerly existed; but even of that Number, a very small Proportion was known to have been preserved, until the late Researches and Arrangements which have been made by the Direction of the Commissioners, and of the present Lord Clerk Register.

Of the TREATIES and other Transactions between the Crowns of SCOTLAND and ENGLAND, about Fifty-one original Instruments are preserved. The counter-parts of some of these are printed in Rymer's Fœdera; but some of the most curious and important are not to be found in that Collection, nor was their Preservation in the Scottish Archives known till lately. Of this Description is the TREATY OF NORTHAMPTON in 1328; an AGREEMENT between James III. and Edward IV. in 1463; and several others.

Of the Transactions between the Sovereigns of SCOTLAND and FRANCE, about Thirty-three original Instruments are preserved, all of which may be said to have been brought to light by the late Researches.

Of the very important Transactions between the Crowns of SCOTLAND and DENMARK only Four original Documents are preserved; and these have been also recently brought to light. Of this Number is the Treaty of 1468, by which the Islands of Orkney and Shetland were ceded to Scotland.

The original Documents connected with the internal Government and State of the Kingdom of Scotland are of course more numerous and miscellaneous, and amongst these are the Chamberlain Rolls and the Accounts of the Lord High Treasurer. All these have till lately been but little attended to, and many of them are in a State of great Decay. The public Attention has also been directed of late to the defective State of the Buildings, and the want of a proper Custody for the County Records, for which it is hoped some effectual Remedy may be provided.

Appendix, Y. 1. § 5. IRELAND also has benefited, in some Degree, by the Operation of these Commissions. A Valuation and Taxation of all the Ecclesiastical Benefices of Ireland, made in the Year 1292, by the Authority of Pope Nicholas IV. has been discovered amongst the Records of the Court of Exchequer in England. The Rolls containing this Survey are stated by an Entry upon the Rolls themselves to have been delivered in the 16th Year of Edw. II. to the Bishop of Exeter, then Lord High Treasurer of England, under the Seal of the King's Exchequer in Dublin.

Appendix, Y. 2. 4. The Sub-Commissioners who were employed in 1806, to search for Charters and Statutes in England, extended their Journey also to Ireland; and after inspecting most of the Record Repositories there, they delivered to the Lord Lieutenant a written Report upon their Contents, Condition, Arrangement, and future Preservation.

Appendix, Z. 1. In Conclusion, it is to be remarked, as a Testimony of the Opinion which has prevailed in favour of the beneficial Effects of such Measures as these Commissions were intended to produce, that His Majesty, upon the Address of the House of Commons, has been recently pleased to issue a Commission for the like Purposes in Ireland, directed to Persons the most distinguished for their Rank, and Learning, by whose zealous Exertions an auspicious Commencement has been already made towards the Accomplishment of Measures corresponding with those adopted in Great Britain, the Necessity whereof appears to be not less urgent there than in other Parts of the United Kingdom.

CHARLES ABBOT.
WILLIAM GRANT.
FREDERICK CAMPBELL.
REDESDALE.
GLENBERVIE.
JOHN LONDON.
CHARLES BATHURST.

Dated 2d June 1812.

APPENDIX.

CONTENTS OF THE APPENDIX.

		Page
A.	Address of the House of Commons of Great Britain to His Majesty	11
B.	First and Second Record Commissions	12—14
C.	Abstracts of Annual Reports of the Commissioners to His Majesty in Council, 1801 to 1812	16
D.	Account of Sums annually paid in Remuneration of the several Persons employed by The Commissioners, upon Services specified in their Annual Reports, and of the Sums paid for Printing	43
E. 1.	Measures executed in England and Scotland under the Commissions	44
E. 2.	Measures in Progress in England and Scotland	52
E. 3.	Measures Postponed	60
E. 4.	Measures recommended by the Select Committee, but not within the Powers of the Commission	62
F. 1.	Account of the Publication of the Calendar of the Inquisitions Post Mortem	63
F. 2.	Account of the Publication of the Calendars of the Charter Rolls and Inquisitions ad quod Damnum	Id.
F. 3.	Account of the Publication of the Calendar of the Patent Rolls	64
F. 4.	Account of the Publication of the Exchequer Rolls called Originalia	Id.
F. 5.	Account of the Formation, Contents, and Catalogues of the Collection of Cottonian MSS.	65
F. 6.	Account of the Formation, Contents, and Catalogues of the Collection of Harleian MSS.	69
F. 7.	Account of Lansdowne MSS.	83
G.	Plan for the Publication of an Authentic Collection of the Statutes	84
H.	Series of Reports of the House of Commons upon Public Matters 1715 to 1802	109
I.	Plan for a Revision and Continuation of Rymer's Fœdera	113
K. 1.	Account of the Publication intituled Abbreviatio Placitorum in Domo Capit' Westm' asservat'	138
K. 2.	Account of the Publication of the Exchequer Books called Testa de Nevill	141
K. 3.	Plan for Publication of the Hundred Rolls, and of the Quo Waranto Rolls Edw. I.	142
L. 1.	Account of the Publication of the Ecclesiastical Taxation of Pope Nicholas IV. Temp. Edw. I.	146
L. 2.	Account of the Publication of the Nonæ Rolls Temp. Edw. III.	Id.
L. 3.	Plan of the Publication of the Valor Ecclesiasticus, Temp. Hen. VIII.	149
M. 1.	Plan of the Collection of English Records illustrative of SCOTTISH HISTORY	151
M. 2.	Plan of the Abridgment of Retours of Services in SCOTLAND	155. 268
M. 3.	Plan of the Collection of Royal Charters of Scotland	162
M. 4.	Plan for Publication of the Parliamentary Records of Scotland	167
M. 5.	Plan for Publication of the Records of the Privy Council of Scotland	170
N.	List of Works printed; and of Works printing or transcribing for the Press, in ENGLAND and SCOTLAND	172, 173
O.	Public Libraries to which the Distribution of Works printed under the Commission is limited	174
P.	Enlarged Establishment of Clerks in the Office of Keeper of the Records in the Tower of London	175
Q.	Orders of the Court of Exchequer for regulating the Records in the Office of the King's Remembrancer	176
R.	Report of Searches for Original Records and Manuscript Copies of Charters and Statutes preserved in the Universities, Cathedrals, and other public Repositories in England	177
S.	Report of Records, &c. discovered in the Tower of London since 1804	183
T.	Report of Records, &c. discovered in the Chapter House of Westminster since 1800	191
U.	Report of Records, &c. discovered in the Office of the King's Remembrancer of the Exchequer	194
V. 1.	Proceedings of the Commissioners towards carrying into Effect the Measures recommended for SCOTLAND	195
V. 2.	Reports of Deputy Clerk Register of Scotland	199
V. 3.	Further Measures of the Board	217
V. 4.	Conference of Law Officers in Scotland	219
W. 1.	Royal Warrant and Commission for appointing the Deputy Clerk Register in Scotland 1806	221
W. 2.	First Annual Report of Deputy Clerk Register, 1807	223
W. 3.	Second Annual Report of Deputy Clerk Register, 1808	230
W. 4.	Report of Committee of Lords of Session thereon	237
W. 5.	Third Annual Report of Deputy Clerk Register, 1809	241
W. 6.	Report of Committee of Lords of Session thereon	245
W. 7.	Fourth Annual Report of Deputy Clerk Register, 1810	247
W. 8.	Report of Committee of Lords of Session thereon	273
W. 9.	Fifth Annual Report of Deputy Clerk Register, 1811	274
W. 10.	Report of Committee of Lords of Session thereon	294
X.	Proceedings of the Faculty of Advocates towards publishing the Statutes of the Parliament of Scotland	296
Y. 1.	Account of the Valuation of Ecclesiastical Benefices in Ireland A.D. 1292	300
Y. 2.	Report of Searches for Original Records and Manuscript Copies of Charters and Statutes in IRELAND	Id.
Y. 3.	Observations upon the Condition and future Preservation of the Public Records of Ireland	303
Y. 4.	Letter from Lord Redesdale to Earl of Hardwicke, on the State of Public Records of Ireland	307
Z. 1.	Commission for the Arrangement of the Public Records in Ireland	309
Z. 2.	First Report of the Commissioners of Public Records in Ireland	312
Z. 3.	Extracts of the Second Report of the Commissioners of Public Records in Ireland	316

Appendix, (A.)

ADDRESS

OF THE

HOUSE OF COMMONS OF GREAT BRITAIN

TO

HIS MAJESTY.

EXTRACTED FROM THE VOTES,

Veneris 11° *die Julii, Anno* 40° *Georgii* 3^tii *Regis* 1800.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of Great Britain in Parliament assembled, having taken into our Consideration the State of the Public Records of this Kingdom, and the Necessity of providing for the better Arrangement, Preservation, and more convenient Use of the same, humbly beg leave to lay before Your Majesty the Report of our Proceedings thereon; and to represent to Your Majesty, that in several of the Principal Offices we have found the Public Records preserved with great Order and Regularity, and in some few, with a Method and Care which are exemplary; but that, in many of the most important Offices, they are wholly unarranged, undescribed, and unascertained; that some of them are exposed to Erasure, Alteration, and Embezzlement, and others are lodged in Places where they are daily perishing by Damp, or incurring a continual Risk of Destruction by Fire.

A Period of nearly Seventy Years has elapsed since the last General Parliamentary Inquiry upon this Subject; and, during this Interval of Time, the Change which has taken place in the Language and written Character of Judicial Proceedings, as well as the large Accumulation of Materials which has been progressively superadded in every Department, have increased the Difficulty of methodizing the several Repositories, or applying their Contents to Purposes of practical Use.

In the Course of our Inquiry we have found that many of the Public Buildings allotted to these Uses, and especially those Buildings which belong to Your Majesty's Exchequer in all its Branches, comprehending the ancient Records and Muniments of the Rights and Possessions of the Crown, and the Vouchers and Accounts of the Public Revenues and Expenditure, are in a State so incommodious and insecure, as to require immediate Attention.

It has also appeared to us, that the salutary Measures heretofore adopted by Your Majesty's Authority, for methodizing the Contents of some of the principal Repositories of Your Majesty's Records and Papers of State, might also be extended to many other Repositories, with Consequences highly beneficial to the Public Service.

And the same Motives which encouraged our Predecessors to intreat Your Majesty's Directions for printing the ancient Records of Domesday, and the Rolls of Parliament, have also induced us to submit to Your Majesty's Wisdom, our Desire of extending the same Measure to other ancient and valuable Monuments of our History, Laws, and Government.

Your faithful Commons do therefore most humbly beseech Your Majesty, that You will be graciously pleased to give such Directions as Your Majesty, in Your great Wisdom, shall think fit, for the better Preservation, Arrangement, and more convenient Use of the Public Records of this Kingdom.

And we beg leave further to assure Your Majesty, that whatever extraordinary Expenses may be incurred by the Directions which Your Majesty, in Your great Wisdom, shall think fit to give on this Occasion, shall be chearfully provided for and made good by Your faithful Commons.

Jovis 17° *die Julii*;

Anno 40° Georgii 3^tii Regis, 1800.

Mr. Chancellor of the Exchequer reported to the House, that their Address of Friday last (that His Majesty would be graciously pleased to give such Directions as He shall think fit, for the better Preservation, Arrangement, and more convenient Use of the Public Records of this Kingdom; and to assure His Majesty, that whatever extraordinary Expenses may be incurred by the Directions which His Majesty shall think fit to give on this Occasion, shall be made good by His faithful Commons) had been presented to His Majesty; and that His Majesty had commanded him to acquaint this House, that He will give Directions as desired by the said Address.

Appendix, (B. 1.)

COMMISSION

For executing the Measures recommended by the House of Commons, respecting the PUBLIC RECORDS of the KINGDOM.

GEORGE *R.*

GEORGE THE THIRD by the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith, &c.

To Our right trusty and right entirely beloved Cousin and Councillor, William Henry Cavendish Duke of Portland, Knight of the most noble Order of the Garter; Our right trusty and well-beloved Councillors William Wyndham Baron Grenville, and Henry Dundas Esquire, Our Three Principal Secretaries of State; Our right trusty and well-beloved Councillors, Henry Addington Esquire, Speaker of the House of Commons; William Pitt Esquire, Chancellor and Under Treasurer of Our Exchequer, and First Commissioner of Our Treasury; Sir Richard Pepper Arden Knight, Master of the Rolls, Frederick Campbell Esquire, commonly called Lord Frederick Campbell, Our Clerk Register of Scotland; Sylvester Douglas Esquire, one of the Commissioners of Our Treasury; Our trusty and well-beloved Sir John Mitford Knight, Our Attorney General; Sir William Grant Knight, Our Solicitor General; Robert Dundas Esquire, Our Advocate for Scotland; and Charles Abbot Esquire, Greeting.

APPENDIX, (B. 1.) First Commission.

WHEREAS the Knights, Citizens, and Burgesses, and Commissioners of Shires and Boroughs in Our Parliament of Great Britain assembled, having taken into their Consideration the State of the Public Records of this Kingdom, and the necessity of providing for the better Arrangement, Preservation, and more convenient Use of the same, have humbly laid before Us a Report of their Proceedings thereon; and have also humbly represented unto Us, that the Public Records of the Kingdom are in many Offices unarranged, undescribed, and unascertained; that many of them are exposed to Erasure, Alteration, and Embezzlement, and are lodged in Buildings incommodious and insecure; and that it would be beneficial to the Public Service that the Records and Papers contained in many of the principal Offices and Repositories should be methodized, and that certain of the more antient and valuable amongst them should be printed; and have humbly besought Us, that We would be graciously pleased to give such Directions thereupon as We in Our Wisdom shall think fit;

Now know ye, that We, considering the Premises, and earnestly desiring more effectually to provide for the better Arrangement, Preservation, and more convenient Use of the said Records and Papers, and reposing great trust and confidence in your Fidelity, Discretion, and Integrity,—

Have authorized and appointed, and by these presents do authorize and appoint you the said William Henry Cavendish Duke of Portland, William Windham Baron Grenville, Henry Dundas, Henry Addington, William Pitt, Sir Richard Pepper Arden, Frederick Campbell (commonly called Lord Frederick Campbell), Sylvester Douglas, Sir John Mitford, Sir William Grant, Robert Dundas, and Charles Abbot, and any Three or more of you, to make a diligent and particular Inquiry into the several Matters which Our faithful Commons have, in the abovementioned Report of their Proceedings, represented as fitting to be provided for by Our Royal Authority.

And furthermore, We do by these Presents give and grant to you Our said Commissioners, and any Three or more of you, full Power and Authority to cause all and singular the Officers, Clerks, and Ministers of the said Offices and Repositories respectively, to bring and produce upon Oath before you, or any Three or more of you, all and singular Rolls, Records, Books, and Papers, or other Writings, belonging to the said Offices or Repositories, or any of them, or any Officers within the same, and which shall be in the Custody of them or any of them respectively.

And

And Our further Will and Pleasure is, That ye or any Three or more of you, upon due Examination of the Premises, shall cause such Matters to be duly and speedily executed, as ye shall judge fitting and proper to be done for the more effectual Execution of the several Measures recommended by our faithful Commons in the said Report of their Proceedings relative thereto.

And to the End that Our Royal Will and Pleasure in the Premises may be executed with the greater Regularity and Expedition, We farther by these Presents will and command, and do hereby give full Power and Authority to you or any Three or more of you to nominate and appoint from Time to Time such Person of Ability, Care, and Diligence, as ye shall think fit, to be and act as your Clerk or Secretary, for the Purpose of aiding you in the Execution of these Presents; and also to nominate and appoint in like manner such several Persons of Ability, Care, and Diligence, as ye may think fit, to be Sub-Commissioners, to be employed under your Direction and Controul in the Premises; and more especially to methodize, regulate, and digest the Records, Rolls, Instruments, Books, and Papers, in any of our Public Offices and Repositories; and to cause such of the said Records, Rolls, Instruments, Books, and Papers as are decayed and in danger of being destroyed, to be bound and secured; and to make exact Calendars and Indexes thereof; and to superintend the printing of such Calendars and Indexes, and original Records and Papers as ye shall cause to be printed; which said Clerk or Secretary, and Sub-Commissioners, and every of them, shall and may be removed by you or any Three of you from Time to Time at your Will and Pleasure, full Power and Authority being hereby given to you to appoint others in their Places respectively.

And We further will and command, and by these Presents ordain, That ye or any Three or more of you shall from Time to Time certify under your Hands and Seals unto Our Lord High Treasurer, or unto the Commissioners of Our Treasury for the Time being, what shall be a fit and suitable Recompence to the above-mentioned Clerk or Secretary, and Sub-Commissioners respectively, for their Pains and Services in the Execution of the Duties hereby required to be by them performed; which said Recompence it is Our Will and Pleasure shall thereupon be paid to them respectively and accordingly.

And Our further Will and Pleasure is, That ye or any Three or more of you do and shall, on or before the 25th Day of March in the Year of our Lord 1801, and so from Year to Year on or before the 25th Day of March in each Year respectively, so long as this Commission shall continue in force, certify unto Us in Our Privy Council, under your Hands and Seals respectively, all and every of the several Proceedings of yourselves and of the said Sub-Commissioners had by virtue of these Presents, together with such other Matters (if any) as may be deserving of Our royal Consideration, touching or concerning the Premises, and what further measures (if any) ye shall think fit to propose thereupon.

And lastly, We do by these Presents ordain, That this Our Commission shall continue in full force and virtue; and that ye Our said Commissioners, or any Three or more of you, shall and may from Time to Time, and at any Place or Places, proceed in the Execution thereof, and of every Matter and Thing therein contained, although the same be not continued from Time to Time by Adjournment.

Given at Our Court, &c. the 19th Day of July, in the Year of Our Lord 1800.

PORTLAND.

Appendix, (B. 2.)

SECOND RECORD COMMISSION,

23d May 1806.

GEORGE *R.*

GEORGE THE THIRD by the Grace of God of the United Kingdom of Great Britain and Ireland, King Defender of the Faith:

To Our right trusty and well-beloved Councillor William Wyndham Baron Grenville, First Commissioner of Our Treasury, or the First Commissioner of Our Treasury for the time being; Our right trusty and right well-beloved Cousin and Councillor George John Earl Spencer, Knight of the most noble Order of the Garter, Our right trusty and well-beloved Councillors Charles James Fox, and William Windham, Our three Principal Secretaries of State, or Our three Principal Secretaries of State for the time being; Our right trusty and well-beloved Councillors Charles Abbot, Speaker of the House of Commons, or the Speaker of the House of Commons for the time being; and Sir William Grant Knight, Master of the Rolls, or the Master of the Rolls for the time being; Our trusty and well-beloved Henry Erſkine Esquire, Our sole and only Advocate for Scotland, or Our sole and only Advocate for Scotland for the time being; Our right trusty and well-beloved Cousin and Councillor Henry Viscount Sidmouth; Our right trusty and well-beloved Councillors Frederick Campbell Esq. (commonly called Lord Frederick Campbell), Sylvester Baron Glenbervie of that Part of Our United Kingdom called Ireland, and John Baron Redesdale; the Right Reverend Father in God Our right trusty and well-beloved John Lord Bishop of Oxford; Our right trusty and well-beloved Councillors Charles Bathurst, William Wickham, and Nathaniel Bond.

APPENDIX, (B. 2.)

Second Commission.

WHEREAS the Knights, Citizens, and Burgesses, and Commissioners of Shires and Boroughs in Our Parliament of Great Britain assembled, having taken into their Consideration the State of the Public Records of this Kingdom, and the Necessity of providing for the better Arrangement, Preservation, and more convenient Use of the same, have heretofore humbly laid before Us a Report of their Proceedings thereon, and also humbly represented unto Us that the Public Records of the Kingdom are in many Offices unarranged, undescribed, and unascertained; that many of them are exposed to Erasure, Alteration, and Embezzlement, and are lodged in Buildings incommodious and insecure; and that it would be beneficial for the Public Service that the Records and Papers contained in many of the principal Offices and Repositories should be methodized, and that certain of the more antient and valuable amongst them should be printed; and humbly besought Us that We would be graciously pleased to give such Directions thereupon, as We in Our Wisdom should think fit: And whereas We, considering the Premises, and earnestly desiring more effectually to provide for the better Arrangement, Preservation, and more convenient Use of the said Records and Papers, did by Warrant under Our Sign Manual, bearing Date the Nineteenth Day of July 1800, authorize and appoint the several Persons therein severally named, and any Three or more of them, to make a diligent and particular Inquiry into the several Matters which Our faithful Commons had, in their abovementioned Report of their Proceedings, represented as fitting to be provided by Our Royal Authority, and to do such other Matters and Things touching the Premises as are therein set forth: And whereas the said several Persons thereby appointed have duly proceeded in the Execution of the several Matters committed to their Charge, and have made considerable Progress therein, as by their annual Certificates to Us in Our Privy Council appears; but some of the said Persons are since deceased, or have become less able to attend to the Duties so required of them, and it is expedient to appoint others in their Place, and also to increase the Number of the said Persons so to be appointed for the Purpose aforesaid, in such Manner as may give more complete and permanent Effect to Our royal Intentions in that Behalf:

Now know ye, That We, considering the Premises, and earnestly desiring further and more effectually to provide for the better Arrangement, Preservation, and more convenient Use of the said Records and Papers, and reposing great Trust and Confidence in your Fidelity, Discretion, and Integrity, have authorized and appointed, and by these Presents Do authorize and appoint, you the said William Wyndham, Baron Grenville, George John Earl Spencer, Charles James Fox, William Windham, Charles Abbot, Sir William Grant, Henry Erſkine, Henry Viscount Sidmouth, Frederick Campbell Esquire (commonly called Lord Frederick Campbell), Sylvester Baron Glenbervie, John Baron Redesdale, John Lord Bishop of Oxford, Charles Bathurst, William Wickham, and

nd Nathaniel Bond, and any Three or more of you (whereof the said First Commissioner of Our Treasury, one f Our Principal Secretaries of State, the Speaker of the House of Commons, the Master of the Rolls, or Our dvocate for Scotland, severally and respectively for the Time being to be one) further to make a diligent and articular Inquiry into the several Matters which Our faithful Commons have, in the above-mentioned Report of eir Proceedings, represented as fitting to be provided for by Our Royal Authority: And furthermore We do y these Presents give and grant unto you Our said Commissioners, and any Three or more of you (whereof the id First Commissioner of Our Treasury, one of Our Principal Secretaries of State, the Speaker of the House of ommons, the Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the Time being, be one) full Power and Authority to cause all and singular the Officers, Clerks, and Ministers of the said ffices and Repositories respectively, to bring and produce upon Oath, before you or any Three or more of you ll and singular Rolls, Records, Books, and Papers, or other Writings belonging to the said Offices or Reposiories, or any of them, or any Officers within the same, and which shall be in the Custody of them or any of hem respectively: And Our further Will and Pleasure is, That ye or any Three or more of you (whereof the aid First Commissioner of Our Treasury, one of Our Principal Secretaries of State, the Speaker of the House of ommons, the Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the Time being, be one) upon due Examination of the Premises, shall cause such Matters to be duly and speedily executed, s ye shall judge fitting and proper to be done for the more effectual Execution of the several Measures recomended by Our faithful Commons, in the said Report of their Proceedings relative thereto. And to the End that Our royal Will and Pleasure in the Premises may be executed with the greater Regularity and Expedition, We urther by these Presents will and command, and do hereby give full Power and Authority to you, or any Three r more of you (whereof the said First Commissioner of Our Treasury, one of Our Principal Secretaries of State, he Speaker of the House of Commons, the Master of the Rolls, or Our Advocate for Scotland, severally and espectively for the Time being, to be one) to nominate and appoint from Time to Time such Person of Ability, Care, and Diligence, as ye shall think fit, to be and act as your Clerk or Secretary, for the Purpose of aiding ou in the Execution of these Presents; and also to nominate and appoint in like Manner such several Persons f Ability, Care, and Diligence, as ye may think fit, to be Sub-Commissioners, to be employed under your Direction and Controul in the Premises; and more especially to methodize, regulate, and digest the Records, Rolls, Instruments, Books, and Papers, in any of Our Public Offices and Repositories, and to cause uch of the said Records, Rolls, Instruments, Books, and Papers as are decayed and in Danger of being estroyed, to be bound and secured; and to make exact Calendars and Indexes thereof; and to superintend he Printing of such Calendars and Indexes, and Original Records and Papers as ye shall cause to be printed; which said Clerk or Secretary, and Sub-Commissioners, and every of them, shall and may be removed by you or any Three or more of you (whereof the said First Commissioner of Our Treasury, One of Our Principal Secretaries f State, the Speaker of the House of Commons, the Master of the Rolls, or Our Advocate for Scotland, everally and respectively for the Time being, to be One) from Time to Time at your Will and Pleasure; full Power and Authority being hereby given to you, to appoint others in their Places respectively: And We further will and command, and by these Presents ordain, That ye, or any Three or more of you (whereof the said First Commissioner of Our Treasury, One of Our Principal Secretaries of State, the Speaker of the House of Commons, he Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the Time being, to be One) shall from Time to Time certify under your Hands and Seals, unto Our Lord High Treasurer, or unto the Commissioners of Our Treasury for the Time being, what shall be a fit and suitable Recompence to the above mentioned Clerk or Secretary, and Sub-Commissioners respectively, for their Pains and Services in the Execution f the Duties hereby required to be by them performed; which said Recompence it is Our Will and Pleasure hall thereupon be paid to them respectively and accordingly. And Our further Will and Pleasure is, that ye or ny Three or more of you (whereof the said First Commissioner of Our Treasury, One of Our Principal ecretaries of State, the Speaker of the House of Commons, the Master of the Rolls, or Our Advocate for cotland, severally and respectively for the Time being, to be One) do and shall, on or before the Twenty-fifth Day of March in the Year of our Lord 1807, and so from Year to Year, on or before the Twenty-fifth Day of Iarch in each Year respectively, so long as this Commission shall continue in force, certify unto Us in Our rivy Council, under your Hands and Seals respectively, all and every of the several Proceedings of yourselves nd of the said Sub-Commissioners, had by virtue of these Presents, together with such other Matters (if any) as ay be deserving of Our Royal Consideration, touching or concerning the Premises; and what further Measures if any) ye shall think fit to propose thereupon. And lastly, We do by these Presents ordain, That this Our Commission shall continue in full force and virtue; and that ye Our said Commissioners, or any Three or more f you (whereof the said First Commissioner of Our Treasury, One of Our Principal Secretaries of State, the peaker of the House of Commons, the Master of the Rolls, or Our Advocate for Scotland, severally and espectively for the Time being, to be One) shall and may from Time to Time, and at any Place or Places, roceed in the Execution thereof, and of every Matter and Thing therein contained, although the same be not ontinued from Time to Time by Adjournments—Given at Our Court at Saint James's the Twenty-third Day of lay 1806, in the Forty-sixth Year of Our Reign.

By His MAJESTY's Command.

(Signed) SPENCER.

Appendix, (C.)

ANNUAL REPORTS

OF THE

COMMISSIONERS UPON PUBLIC RECORDS.

ABSTRACT OF ANNUAL REPORT, 23 MARCH 1801.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

APPENDIX, (C.) Annual Report, 1801.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the nineteenth day of July 1800, for carrying into execution the measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, and the necessity of providing for the better arrangement, preservation, and more convenient use of the same, and the printing of certain of the more antient and valuable amongst them, &c. &c. &c. Do most humbly beg leave to certify to Your Majesty;

That in pursuance of the powers vested in us by Your Majesty's said Commission, WE assembled on the 22d day of July last, at the house of the Right Honourable The Speaker of the House of Commons, and opened the said Commission; and appointed John Topham Esquire of Bedford-Row, F.S.A. and Barrister at Law, to act as Secretary under the said Commission. After which, the Report of the Select Committee of the House of Commons appointed to enquire into the state of the Public Records of the Kingdom, and also the Resolutions of the House thereupon, were read, and taken into consideration; and the following Orders were made thereupon by the said Commissioners; viz.

That the Secretary do write to James Wyatt Esquire, Surveyor General of His Majesty's Works, to desire him to proceed immediately to build the additional office to the Chapter-House at Westminster, according to the plan thereof laid by him before the Record Committee of the House of Commons, and communicated to the Lords Commissioners of His Majesty's Treasury; and also to cause the frame-work and stages of the apartment adjoining to Cæsar's Chapel in the Tower of London to be sufficiently repaired; and also, that Mr. Wyatt do prepare and provide the Repositories for the Records and Papers belonging to the Auditor's Office, the Pipe Office, and the Lord Treasurer's Remembrancer's Office in Somerset Place, according to the plans thereof laid by him before the Record Committee of the House of Commons, and the Lords Commissioners of His Majesty's Treasury; and also, that Mr. Wyatt be directed to examine and report to this Board, upon the security and convenience of the State Paper Office in Middle Scotland Yard, Whitehall, and the practicability of removing the Records and Papers now kept in that Office, to a situation contiguous or nearer to the Offices of His Majesty's Principal Secretaries of State.

That the Records of Attainder, &c. now in the custody of the Clerk to the Select Committee on the Public Records of the Kingdom, be forthwith removed into the Baga de Secretis of the Court of King's Bench, and deposited there in the presence of His Majesty's Attorney General; and that the Secretary to this Board be directed to obtain the keys of office accordingly for that purpose; and that Mr. Dealtry, of the Crown Office in the Court of King's Bench, be desired to make a Schedule of the books, papers, and records contained in the Baga de Secretis, and that one copy thereof be deposited therein with the said Records, and another copy delivered, under seal, to His Majesty's Coroner or Attorney for the Time being, to be by him kept in the Crown Office of the Court of King's Bench, for the use of His Majesty's Attorney General for the Time being.

That John Caley, Esquire, of Gray's Inn, and Mr. Jonathan Hewlett of the Prothonotaries Office in the Court of Common Pleas, be Sub-Commissioners under this Board, for the purpose of methodizing and indexing the Docket Rolls of the Court of Common Pleas.

That John Caley, Esquire, of Gray's Inn, together with Mr. William Kirkby and Mr. George Vanderzee, two of the Side Clerks in the King's Remembrancer's Office in the Exchequer, be Sub-Commissioners under this Board, for arranging, methodizing, and indexing all the Records in the said Office, or belonging thereto.

That John Caley, Esquire, together with Mr. Henry Playford, one of the sworn Clerks in the Office of the Lord Treasurer's Remembrancer, be Sub-Commissioners under this Board, for arranging, methodizing, and indexing all the Records in the said Office, or belonging thereto.

That

That Mr. Caley, together with Mr. Thomas Bryan Richards, and Mr. Jonath: of the Auditor of the Land Revenue for England, be Sub-Commissioners methodizing, and indexing the Records in the Offices of the Auditors of the Wales, or belonging thereto.

That the Secretary do write to the Trustees of the British Museum, to expre Catalogue of the MSS. in the Cottonian Library, lately compiled by their P immediately; and also, that the Catalogue of the Harleian MSS. be revised, co

That the Ministers Accounts in the Offices of the Auditors of the Land Augmentation Office; and that the Records of the Duchy of Lancaster an Augmentation Office, be also transferred to the respective Offices to which the

That the Secretary do write to the Keeper of the Records at the Chapter Hou cause complete Indexes to the two Volumes of Domesday Book, to be made, a Title and Table of Contents as prepared and recommended by the Presi Antiquaries, upon a reference to them from the Lords Commissioners of His April 1783; and also to cause the Calendars and Indexes to the Records of th 1st of Edw. I. to the 10th of Henry V.; and of the Common Pleas from the and of the Placita Exercitûs, 24th Edw. I. to be printed, of the same size as th

That the Secretary do write to the Keeper of the Records in the Tower of L Calendars and Indexes to the Patent, Close, and Charter Rolls, to be printed, Journals of Parliament; and of the like type as the Sessional Index to the Jour

---

And at a Meeting of the said Commissioners, held on the 4th day of Novem Record called Pope Nicholas's Taxation, formed about the Year 1291, be pr remaining in the Court of Exchequer, after the same shall have been collated an of the same Record, in the Exchequer, British Museum, or other Repositories, of the same Record preserved in the British Museum; and that the variation be marked and printed at the bottom of each page; and that an Index of t at the end of the work.

That the Secretary do write to the Keeper of the Records in the Tower of Lo the Chapter House at Westminster, the Keeper of the Records in the Chapel of t of the Privy Council, and the Clerks of the Signet, to consider and report to t Records, Instruments, and State Papers, in their custody respectively, for the p Rymer's Fœdera, during the period of time which that work comprehends; continuation of that work, to the accession of His Majesty King George II.

That the Secretary do write to His Majesty's Principal Secretaries of State, c Board, requesting them, or one of them, to give directions to the Keeper of and report to this Board of a proper Selection of Records, Instruments, and S purpose of forming a Supplement to Rymer's Fœdera, during the period of time also of a Selection to form a continuation of that work, to the accession of His and also to request that They, or one of them, will be pleased to give direction Office, to cause the Records removed in the year 1770, from the House of L Whitehall, to be forthwith arranged and indexed.

That the Secretary do write to the Lord Clerk Register of Scotland, to r Parliamentary Records of Scotland, and antient Royal Charters, to be imme similar to the Parliament Rolls of England; and also to request his Lordshi recommended from Scotland, so far as they are within his department.

And at a subsequent Meeting of the said Commissioners holden on the 19th day of December last, it was Resolved, That William Robertson Esquire, one of the Deputies to the Lord Clerk Register of Scotland, Alexander Robertson Esquire, his son, and James Ferrier Esquire, be appointed Sub-Commissioners for superintending the execution of the several measures directed by this Board to be carried into effect in Scotland.

That His Majesty's Printer for Scotland do forthwith print the Parliamentary Records and antient Royal Charters of Scotland, under the superintendance of the above appointed Sub-Commissioners, in a form and type similar to the Parliament Rolls of England.

That the Proceedings upon Special Commissions for trial of High Treason in Scotland, in the year 1794, &c. be transferred from the Crown Office K. B. to the General Register House at Edinburgh.

That

APPENDIX, (C.)

Annual Report, 1801.

That the Secretary do write to the Lord Advocate for Scotland, to request that he will promote the execution of the measures recommended for Scotland, and signify to this Board in what particulars it may be necessary for them to interpose their authority to this purpose.

That Mr. Vanderzee do proceed to arrange the rest of the unarranged Records in the King's Remembrancer's Office of the Exchequer, with all dispatch, so far as the season and other circumstances will permit; and that he do bestow special attention upon searching for other Nonæ Rolls; and that the Nonæ Rolls of the Reign of Edward the Third be fairly transcribed, and published in the same size and type as the Taxation of Pope Nicholas, with a fac-simile Engraving of one or more of the original Rolls.

That a complete and authentic edition of the Statutes of the Realm be prepared, and printed, including every Law, as well those repealed or expired as those now in force, with a Chronological List of them, and Tables of their principal matters: and that for the purpose of ascertaining and preserving a memorial of the correct and intire Text of the Statute Law of the Realm, copies be distributed to the Clerk of the Parliaments of the United Kingdom of Great Britain and Ireland, to the proper Officers of the principal Courts of Justice, the Officers of State and Revenue, His Majesty's Library, the Libraries of the several Universities, Inns of Court, and such other places, for custody and public inspection in every part of the United Kingdom, as shall be best suited to the purposes of this publication.

IT being represented to this Board, that Alexander Luders, Thomas Edlyne Tomlins, and John France, Esquires, Barristers at Law; John Caley Esquire, Mr. Thomas Bryan Richards, and Mr. William Illingworth, have severally bestowed their thoughts upon this subject, and are fit and competent persons to execute different parts of this work, and are willing to be employed therein; and certain Papers, prepared by Messrs. Luders, Tomlins, and France, being produced to this Board, purporting to be Considerations upon a Plan for a complete and authentic Edition of the Statutes; and the same being now read;

It was Ordered, That the several Persons above-named be appointed Sub-Commissioners, for carrying this work into effect, and that the Secretary to this Board do confer with them from time to time upon the best mode of proceeding, and report to this Board at their next Meeting what progress shall have been made therein.

That the Speaker be requested to take into his consideration, whether it may be expedient to have any Selection made of Reports from Committees of the House of Commons, which are not inserted in the Journals, as a Supplement to those ordered to be printed in 1773, and continuation thereof to the Union of Great Britain and Ireland.

That the Surveyor General of His Majesty's Works be desired to consider and report to this Board whether a proper place can be provided at Somerset Place for the safe and convenient custody of the Records belonging to the Clerks of Assize, &c.

The Board having also taken into consideration the Report of the Select Committee of the House of Commons, upon the Public Records of the Kingdom, with respect to the importance of a regular transmission of the Copies of Parish Registers, in every Diocese, to the Diocesan or his Chancellor, which, by the Canons of 1603, ought to take place annually; and the great utility which may be derived from a regular observance thereof, in guarding the evidences of Title and Pedigree from spoliation or confusion; It was Ordered, That the Secretary do write in the name of this Board to the Archbishop of Canterbury, and the Archbishop of York, respectfully submitting to them the propriety of using such Means as they shall judge to be expedient for causing an annual transmission of the copies of the Parish Registers, in every Diocese, to the Bishop of the Diocese or his Chancellor, "to the end "the same may faithfully be preserved in the Registry of the said Bishop," according to Canon passed in 1603.

And WE beg leave further most humbly to lay before YOUR MAJESTY the following State of the Proceedings had, in pursuance of the said Orders, to the present time, and what remains to be further done thereupon.

STATE

STATE of the PROCEEDINGS to 23d March 1801.

Repository.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Chapter House, &c.	James Wyatt, Esquire, Surveyor General of His Majesty's Works.	Alterations and Repairs. { Chapter House, Westminster. / Cæsar's Chapel, in the Tower. / Repositories, in Somerset Place. / State Paper Office.	Progress made. / Done. / Progress made. / No Return
Court of King's Bench.	Mr. Dealtry.	The Records of Attainder to be deposited in the Baga de Secretis; and Schedules thereof to be made by Mr. Dealtry.	Nearly two-thirds completed.
Court of Common Pleas.	Mr. Caley. Mr. Hewlett.	The Docket Rolls in the beginning of the Reign of Henry 8th to be arranged.	Progress made.
Exchequer: King's Remembrancer's Office.	Mr. Caley. Mr. Kirkby. Mr. Vanderzee.	To arrange and index many thousands of Bills, Answers, and Depositions, from the reign of Queen Elizabeth to King George 2d, which have been collected together, from all parts of the office, and sorted under the heads of counties and of Kings reigns, in order of time; and also the Special Commissions and Inquisitions Post Mortem and Escheat Rolls, which have been collected together; and also the Decree Books of this Court, during the first ten years of Queen Elizabeth.	Progress made; but it will require much Time to regulate, arrange, and index the whole of the numerous Records in this Department. Many important Records, viz. Nonæ Rolls, Extents and Surveys of various dates and sorts have been already discovered here.
Exchequer: Lord Treasurer's Remembrancer's Office.	Mr. Caley. Mr. Playford.	The sacks, in which the Records in this Office were conveyed from the Exchequer at Westminster to Somerset Place in 1793, contained Memoranda 691 Rolls, Originalia 896 Rolls. The Memoranda and Originalia from King John to Charles 2d. to be examined, arranged, and new backed, repaired, corded, and indorsed.	50 Sacks of Records and Papers in this Office remain to be arranged and indexed.
Auditors of the Land Revenue.	Mr. Caley. Mr. Richards. Mr. Fearnside.	Surveys, Rentals, Particulars, and other unarranged Records, to be sorted, methodized, placed under their respective counties, and completely arranged.	The Arrangement is completed. An Index to the Inrolment of Grants is begun.
British Museum.	Joseph Planta, Esq.	The new Catalogue of the Cotton Library to be printed.	216 Pages are printed.
		The Harleian Catalogue to be corrected, completed, and reprinted.	Progress made.
Augmentation Office. Duchy of Lanc. Duchy of Cornwall.	Mr. Caley. Mr. Gray. Mr. Harper.	Transfer of Records from the Auditors of the Land Revenue to the Augmentation Office, and from the Augmentation, Office to the Duchies of Cornwall and Lancaster.	Above 4,000 Rolls have been transferred from the Land Revenue Office to the Augmentation Office. From the Augmentation Office more than 400 Rolls and some Books to the Duchy of Cornwall, and several Rolls to the Duchy of Lancaster. This Work is completed.
Chapter House.	Geo. Rose, Esq.	Domesday Book.—A complete Index, &c. to be prepared and printed with the Title and Table of Contents, &c.	No Return.
Chapter House.	Geo. Rose, Esq.	The Calendars and Indexes to the Records of the Curia Regis and King's Bench, from Richard the First to Henry the Fifth, and of the Common Pleas from 1st to 18th Edward the First; and of Placita Exercitûs, 24th Edward the First, to be transcribed for the press.	Progress made.
Tower.	Thomas Astle, Esq. Rev. S. Ayscough.	The Office Calendars to the Patent Rolls, from 1st of King John to the 29th year of Edward 3d, to be printed.	176 pages are printed.

Appendix, (C.)

Annual Report, 1801.

STATE of the PROCEEDINGS to the 23d March 1801.—*continued.*

Repository.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Tower.	Thomas Astle, Esq. Rev. S. Ayscough.	Pope Nicholas's Taxation.—This Record to be printed from the Copy kept in the Court of Exchequer, compared and collated with the original Rolls remaining in the same Court, and with the antient Transcript thereof in the British Museum.	96 Pages are printed.
State Paper Office.	Thomas Astle, Esq. George Rose, Esq. John Kipling, Esq. Sir Steph. Cottrell. Clerks of the Signet.	Supplement and Continuation to Rymer's Fœdera.—The several Officers to consider and report of a proper selection of Records, Instruments, and Papers, in their respective Offices.	No Returns; but some may be soon expected.
	John Bruce, Esq.	To cause the Records removed from the House of Lords to the old State Paper Office at Whitehall, in 1770, to be arranged and indexed.	No Return.
Tower, and elsewhere.	Mr. Luders. Mr. Tomlins. Mr. France, &c.	The Statutes of the Realm.—A complete and authentic edition of the Statutes of the Realm to be prepared for the Press.	Progress made in forming the plan and mode of proceeding in this work.
		SCOTLAND.	
Gen[l] Reg[r] House, Edinburgh.	R. H. Lord. Fred. Campbell. Lord Advocate for Scotland.	The Lord Clerk Register of Scotland to cause the PARLIAMENTARY RECORDS of Scotland, and antient ROYAL CHARTERS, to be printed; and the Lord Advocate for Scotland requested to promote the execution of the measures recommended for Scotland.	Progress made.

And WE beg leave most humbly to state to YOUR MAJESTY, that at the present Time we have not any other Matters to offer for Your Majesty's Royal Consideration, touching or concerning the Premises, or any further Measures to propose thereupon, &c. &c.

(Signed) R. P. ARDEN. (L. S.)
GLENBERVIE. (L. S.)
J. MITFORD. (L. S.)
W. GRANT. (L. S.)
CHARLES ABBOT. (L. S.)

Dated 23 March, 1801.

ABSTRACT OF ANNUAL REPORT, 24 MARCH 1802.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

APPENDIX, (C.) Annual Report, 1802.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing Date the 19th Day of July 1800, for carrying into Execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do must humbly beg Leave to certify to Your Majesty, in pursuance of the Powers vested in us by Your Majesty's said Commission, That WE have proceeded in the further Execution of the several Works stated in our Report to Your Majesty, in Your Privy Council, dated the 23d Day of March 1801.

And WE beg leave most humbly to lay before YOUR MAJESTY the following State of the Proceedings had in pursuance thereof, from the 23d Day of March 1801 to the present Time, and what remains to be further done thereupon.

STATE of the PROCEEDINGS to 24th March 1802.

Repository.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Chapter House, &c.	James Wyatt, Esq. Surveyor General, &c.	Alterations and Repairs. } Chapter House, Westminster - -	This Work is done.
		Repositories in Somerset Place -	No Return.
		State Paper Office. - - -	No Return.
Court of King's Bench.	Mr. Dealtry. Mr. Barlow.	Records of Attainder in the KING'S BENCH, from Trinity Term 17 Edw. 4th, A. D. 1478, to the 7th Year of the Reign of His present Majesty, to be deposited in the Baga de Secretis, with Schedules.	This Work is completed to the Year 1770.
Exchequer: King's Remembrancer's Office.	Mr. Caley. Mr. Vanderzee. Mr. Kirkby.	Special Commissions, and Inquisitions Post Mortem, and Escheat Rolls, to be collected together, and to be arranged; and an Index to be made thereto.	This Index will be completed in about 12 Months.
		Indexes to the Decree Books and Orders of this Court during the first 35 Years of Queen Eliz. and some part of the Reign of James 1st, to be made.	Several Volumes of these Books of Decrees and Orders have been rebound in Vellum.
Exchequer: Lord Treasurer's Remembrancer's Office.	Mr. Caley. Mr. Playford.	Lists to be formed of the Rolls of Nomina Villarum for eight Counties, 9 Edw. 2. and divers Escheat Rolls, Surveys, and other miscellaneous Records.	Completed; the Fifty Sacks, filled with Records and Papers, examined and arranged, and Calendars thereof now forming.
British Museum.	Joseph Planta, Esq.	The Catalogue of the Cotton Library, in the British Museum, corrected by Joseph Planta, Esq. the Principal Librarian, with an Index thereto, to be printed.	This Work is now completed in one folio volume.
	Rev. Mr. Nares.	The Harleian Catalogue to be revised and reprinted.	Progress making.
Chapter House.	George Rose, Esq.	Domesday Book.—A complete Index, &c. to be prepared and printed, with the Title and Table of Contents.	Progress making.
		Abbreviatio Placitorum, being in the nature of a Calendar and Index to the most antient Records of Pleadings in the King's Superior Courts, from Richard 1st to 24 Edw. 1st. to be printed.	About eight or ten Sheets are printed.

Appendix, (C.)

Annual Report. 1802.

STATE of the PROCEEDINGS to 24th March 1802—*continued.*

Repository.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
The Tower.	Thomas Astle, Esq. Rev. S. Ayscough. Mr. Caley.	The Office Calendars to the Patent Rolls, from 1st of King John to the End of the Reign of King Edward 4th, to be printed, with Indexes thereto.	This Work is completed in one folio Volume.
		Those for the Close and Charter Rolls to be transcribed for the Press.	Progress made.
	Thomas Astle, Esq. Rev. S. Ayscough. Mr. Caley.	Pope Nicholas's Taxation, A. D. 1291, to be printed from the Copy thereof kept in the Court of Exchequer, compared and collated with the original Rolls remaining in the same Court, and with the antient Transcript thereof in the British Museum.	This Work is printed in one folio volume.
	Thomas Astle, Esq. George Rose, Esq. John Kipling, Esq. Sir Steph. Cotterell. Clerks of the Signet.	Supplement and Continuation to Rymer's Fœdera.—The several Officers to consider and report of a proper Selection of Records, Instruments, and State Papers, in their respective Offices.	No Returns.
State Paper Office.	John Bruce, Esq.	To cause the Records removed from the House of Lords to the old State Paper Office at Whitehall, in 1770, to be arranged and indexed.	Progress made.
Tower, and elsewhere.	Mr. Luders. Mr. Tomlins. Mr. France, &c.	Statutes of the Realm.—The various Plans proposed for carrying this Work into Execution to be considered, with respect to the Sources from whence the materials were to be derived; the Selection of Materials to be printed; the Text, Orthography, Typography, Translation, Punctuation, Marginal References and Notes, Division into Volumes, Introduction, Tables, and Indexes, Order and Distribution of the Work.	A General Conspectus to the End of the Reign of King Edw. 2d. formed; and many of the Materials collated and compared, &c.
		SCOTLAND.	
Gen. Reg. House, Edinburgh.	Lord Fred. Campbell. Lord Advocate for Scotland, &c.	The Lord Clerk Register of Scotland to cause the Parliamentary Records of Scotland, and antient Royal Charters, to be printed: and the Lord Advocate for Scotland requested to promote the Execution of the Measures recommended for Scotland.	Progress made.

And WE beg leave to state to Your Majesty that the following Works are now completed, viz.

1st. The Catalogue of the MANUSCRIPTS IN THE COTTONIAN LIBRARY, deposited in the British Museum, corrected by Joseph Planta Esquire Principal Librarian, with a Preface and Index thereto by him.

2dly, CALENDARS TO THE PATENT ROLLS in the Tower of London, from the 3d Year of King John, to the End of the Reign of Edward 4th, with Indexes thereto, made by the Rev. Samuel Ayscough.

3dly. TAXATIO ECCLESIASTICA, or the Taxation of Ecclesiastical Benefices, made by Order of Pope Nicholas 4th, about the Year 1291, with Indexes thereto made by the Rev. Samuel Ayscough.

And that we have ordered that the Official Calendars to the Inquisitions Post Mortem, or Escheat Rolls, in the Tower, from the 1st Year of King Henry 3d to the 3d Year of King Richard 3d; and also the Official Calendars to the Charter Rolls, from the 1st Year of King John to the End of the Reign of Edward 4th, be prepared for the Press, and printed of the like Type and Form as the Calendar to the Patent Rolls, with Indexes of Persons and Places to be made thereto.

Dated 24 March, 1802.

(Signed) REDESDALE. (L. S.)
CHARLES ABBOT. (L. S.)
FRED. CAMPBELL. (L. S.)
W. GRANT. (L. S.)
GLENBERVIE. (L. S.)

ABSTRACT OF ANNUAL REPORT, 24 MARCH 1803.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

APPENDIX, (C.) Annual Report, 1803.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing Date the 19th Day of July 1800, for carrying into Execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do must humbly beg leave to certify to Your Majesty, in pursuance of the Powers vested in us by Your Majesty's said Commission, That WE have proceeded in the further Execution of the several Works stated in Our Report to Your Majesty in Your Privy Council, dated the 24th Day of March 1802.

And WE beg leave most humbly to lay before YOUR MAJESTY the following State of the Proceedings had in pursuance of the said Commission, from the 24th Day of March 1802, to the present Time, and what remains to be further done thereupon.

STATE of the PROCEEDINGS to 24th March 1803.

Repository.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Exchequer: Lord Treasurer's Rem. Office.	James Wyatt, Esq.	Repositories to be provided for the Records of the Lord Treasurer's Remembrancer's Office at Somerset Place.	These are completed.
King's Bench.	Mr. Dealtry. Mr. Barlow.	Schedules to be made of the Records of Attainder in the King's Bench, deposited in the Baga de Secretis; from the Reign of King Richard 2d.	This Work is completed down to the present Reign.
Excheq. K. R. O.	Mr. Caley. Mr. Kirkby. Mr. Vanderzee.	Indexes to be made to the Special Commissions and Escheat Rolls in the King's Remembrancer's Office in the Exchequer.	Considerable progress is made in this Work.
		Also, Indexes to the Books of Orders and Decrees of the Court of Exchequer; from the 1st Year of Queen Elizabeth to the present Time.—N. B. From the End of Car. 2. the Official Calendars of the Names of Parties are continued in regular Series.	This Work is nearly completed from 1st Elizabeth to the End of the Reign of Charles 2d.
Excheq^{r} L. T. R. O.	Mr. Playford.	Abstract of the Rolls called Originalia in the Lord Treasurer's Remembrancer's Office, beginning in the Reign of Henry 3d, to be prepared.	The Index to the Reign of Edward 2d completed; 20 Pages printed.
British Museum.	Rev. Mr. Nares.	The Catalogue of the Harleian Library in the British Museum to be revised.	Progress made.
Chapter House.	R^{t} Hon. Geo. Rose.	A complete Index, &c. to Domesday Book, to be prepared and printed, with the Title and Table of Contents.	Progress made.
Chapter House.	Rt. Hon. Geo. Rose.	Abbreviatio Placitorum, being in the Nature of a Calendar and Index to the most ancient Records of Pleadings in the King's Superior Courts, to be printed.	The Types necessary for printing this Work being now prepared, 108 Pages are printed.
Tower.	Mr. Caley. Mr. John Dale.	Official Calendars to the Close and Charter Rolls in the Tower, and of the Inquisitions Post Mortem, to be printed, and the Office Calendars to be transcribed.	Progress made.

Appendix, (C.)

Annual Report, 1803.

STATE of the PROCEEDINGS to 24th March 1803—*continued.*

Repository.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Rolls, &c.	John Kipling, Esq. Mr. Davis.	Supplement and Continuation to Rymer's Fœdera.—A List to be prepared of the Instruments entered on the Patent, the Close, and the Treaty Rolls, in the Chapel of the Rolls.	This Return is completed.
Tower, and elsewhere.	Mr. Luders. Mr. Tomlins. Mr. France, &c.	The Statutes of the Realm.—To proceed in the Transcript and Collation of the early Statutes.	Progress made.
		SCOTLAND.	
Genl Reg^{r} House, Edinburgh.	Mr. James Ferrier.	The antient Parliamentary Records and the Royal Charters of Scotland, to be prepared for the Press.	Progress continues to be made.

And WE beg leave to state to Your Majesty, that there is now completed, and ready for Delivery, a Volume containing,

" The CALENDARS TO THE CHARTER ROLLS in the Tower of London, from the First Year of " King John to the End of the Reign of King Edw. IV. with Indexes of Names and Places thereto;

Also, " CALENDARS TO THE INQUISITIONES AD QUOD DAMNUM " at the Tower, from the Reign of King John to the End of King Edw. IVth, with like Indexes.

And that WE have ordered that the Official Calendars of the " Inquisitiones Post Mortem," and of the Escheat Rolls at the Tower, be forthwith proceeded in and put to the Press.

Also, That the Official Calendars of the Close Rolls at the Tower be printed forthwith, inserting therein such of the Articles contained in Mr. Lemon's Selection as are referred to in the Resolution of this Board of the 24th Day of June 1802.

Also, That the Special Commissions in the Exchequer be proceeded in, to be arranged and indexed.

Also, That Mr. Vanderzee do prepare to proceed in printing the Nonæ Rolls in the Exchequer, in pursuance of the Order of this Board, made the 19th Dec. 1800.

And also, That Mr. Vanderzee do complete his Part of the Index to the Decree Books in the Exchequer, by inserting therein the Orders as well as the Decrees.

Dated 24 March, 1803.

(Signed) CHARLES ABBOT, (L. S.)
FRED. CAMPBELL. (L. S.)
GLENBERVIE. (L. S.)

ABSTRACT OF ANNUAL REPORT, 24 MARCH 1804.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

APPENDIX, (C.) Annual Report, 1804.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing Date the nineteenth Day of July 1800, for carrying into Execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Majesty, That in pursuance of the Powers vested in us by Your Majesty's said Commission, WE have proceeded in the further Execution of the several Works, stated in our Report to Your Majesty, in Your Privy Council, dated the 24th of March 1803.

And WE beg leave most humbly to lay before YOUR MAJESTY the following State of the Proceedings had in pursuance of the said Commission, from the 24th Day of March 1803 unto the present Time, and what remains to be further done thereupon.

STATE of the PROCEEDINGS to 24th March 1804.

Repository.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Exchequer K. R. O.	Mr. Caley. Mr. Kirkby. Mr. Vanderzee.	Indexes to the Special Commissions and Escheat Rolls in the King's Remembrancer's Office to be prepared.	Suspended until the Nonæ Rolls are printed, and the Index to the Orders completed.
Exchequer K. R. O.	Mr. Caley. Mr. Kirkby. Mr. Vanderzee.	Indexes to the Books of Decrees and Orders of the Court of Exchequer, from the 1st of Queen Elizabeth to the present Time, to be prepared.	Indexes to the Decrees completed from 1 Eliz. to end of Ja. II. Indexes to the Orders from 1 Eliz. to end of Eliz.
Exchequer K. R. O.	Mr. Vanderzee.	The Nonæ Rolls to be transcribed and prepared for the Press.	Progress made.
Exchequer L. T. R. O.	Mr. Caley. Mr. Playford.	Abstract of the Rolls called Originalia, in the Lord Treasurer's Remembrancer's Office, to be prepared.	Nearly completed to end of Edw. II. and printed to 25 Edw. I.
British Museum.	Revd Mr. Nares.	The Catalogue of the MSS. in the Harleian Collection to be revised.	Progress made.

APPENDIX, (C.)

Annual Report, 1804.

STATE of the PROCEEDINGS to 24th March 1804—*continued.*

Repository.	Sub-Commissioners and others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Chapter Houſe.	R^t Hon. Geo. Roſe.	A complete Index, &c. to Domesday Book, to be prepared and printed, with the Title and Table of Contents.	Progreſs made.
Chapter Houſe.	R^t Hon. Geo. Roſe.	Abbreviatio Placitorum to be printed.	120 pages are printed.
Tower.	Mr. Caley. Mr. Lemon, sen^r. Mr. Lemon, jun^r Mr. Dale.	Official Calendars to the Close Rolls and Inquisitions Post Mortem or Escheats, to be printed, and the Calendars to be revised and transcribed.	The printing of the Calendars to the Cloſe Rolls postponed till more complete; progress made in transcribing and printing the Calendars to the Inquisitions Post Mortem.
State Paper Office, &c.	- - -	Materials for Supplement and Continuation to Rymer's Fœdera, to be arranged, and prepared for the Press.	Postponed until Returns received from the Tower, and the State Paper Office.
Tower, and elsewhere.	Mr. Luders. Mr. Tomlins. Mr. France, &c.	The Statutes of the Realm.—To proceed in the Transcript and Collation of the early Statutes, and making further Selections from the proper Records.	Further Progress made in the collation and translation; and Selections have been made from the Close, Patent, and Fine Rolls, &c.
		SCOTLAND.	
Genl Reg. House, Edinburgh.	Mr. Ferrier.	The antient Parliamentary Records, and the Royal Charters of Scotland, to be prepared for the Press.	Further Progress made.

WE further beg leave to state to Your Majesty, That WE have Ordered the Index to the Orders of the Court of Exchequer to be completed by Mr. Kirkby, from the End of Queen Elizabeth, to the End of the Reign of King James the Second:

Also, That Mr. Vanderzee do proceed in transcribing the Nonæ Rolls, and in preparing them for the Press.

Also, That Mr. Playford do proceed on the Abstract to the Originalia, and the Printing thereof.

Also, That the Rev. Mr. Nares be requested to continue his Attention to the Revision and Extension of the Catalogue to the Harleian Manuscripts.

Also, That Mr. John Dale and Messrs. Lemon continue the Transcript and Revision of the Inquisitions Post Mortem, in the Manner already proceeded upon.

Dated 24 March, 1804.

(Signed) CHARLES ABBOT. (L. S.)
FRED. CAMPBELL. (L. S.)
GLENBERVIE. (L. S.)
WILLIAM GRANT, (L. S.)

ABSTRACT OF ANNUAL REPORT, 25 MARCH 1805.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

APPENDIX, (C.) Annual Report, 1805.

WE the Commissioners conſtituted and appointed by Your Majesty's Royal Commission, bearing date the 19th day of July 1800, for carrying into execution the meaſures recommended in the Report made by the Select Committee of the Houſe of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do moſt humbly beg leave to certify to Your Majesty, That in pursuance of the powers vested in us by Your Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty in Your Privy Council, dated the 24th of March 1804.

And WE beg leave most humbly to lay before YOUR MAJESTY the following State of the Proceedings had in pursuance of the said Commission, from the 24th day of March 1804 unto the present time, and what remains to be further done thereupon.

STATE of the PROCEEDINGS to 25th March 1805.

Repoſitory.	Sub-Commissioners and others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Exchequer: L[d] Treas[rs] Rem. Office.	Mr. Caley. Mr. Playford.	Abstract of the Rolls called Originalia, to be prepared.	The first Volume printed, except Indexes and progress made towards a second volume.
Exchequer: L[d] Treas[rs] Rem. Office.	Mr. Playford. Mr. H. Ellis.	Nom[æ] Villarum 9 Edw. 2d. to be transcribed, and Deficiencies supplied from MS. Harl. B. M. N° 6,281.	Returns for 8 Counties copied; progress made in the MS. at the Br. Museum.
Exchequer: King's Rem. Office.	Mr. Caley. Mr. Vanderzee.	The Nonæ Rolls to be transcribed, and prepared for press.	Returns for 10 Counties already printed, and 8 more transcribed. Pages printed 152.
Excheq[r] K. R. O.	Mr. Caley. Mr. Illingworth.	The Record called Testa deNevill sive Liber Feodorum, to be transcribed and printed.	Pages printed 100, comprehending 12 Counties, besides 7 more Counties transcribed.
Excheq[r] K. R. O.	Mr. Caley. Mr. Kirkby.	Indexes to the Books of Orders of the Court of Excheq[r]. to be prepared.	Index completed for the first seven years of Ja[s] 1st.
British Museum.	Rev[d] Mr. Nares.	Catalogue of the MSS. in the Harl. Collection to be revised.	Nearly finished.
Chapter House.	R[t] Hon. Geo. Rose. Mr. Thompson. Mr. Clarke.	Complete Index to Domesday to be prepared and printed, with the Title and Table of Contents.	40 Pages, and the Title and Table of Contents, printed.
Chapter House.	R[t] Hon. Geo. Rose. Mr. C. Ellis.	Abbreviatio Placitorum to be printed.	196 pages printed to 4 Ed. 1.
Tower.	Mr. Caley. Mr. Lemon, sen[r]. Mr. Lemon, jun[r]. Mr. John Dale.	The official Calendars to the Inquisitions Post Mortem, or Escheats, to be printed, and the Calendars to be revised and transcribed.	Printed to 7 Ed. 2. pages 252: Transcripts for the press completed to 15 Ric. 2.
State Paper Office, &c.	- - - -	Materials for Supplement and Continuation to Rymer's Fœdera to be arranged and prepared for the Press.	Suspended until Report received of the materials to be selected at the Tower.

Appendix, (C.)

Annual Report, 1805.

STATE of the PROCEEDINGS to 25th March 1805.—*continued.*

Repository.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Tower, and elsewhere.	Mr. Luders. Mr. Tomlins. Mr. France, &c.	The Statutes of the Realm. —To proceed in the Collation and Transcript.	The collation and transcript of the Statutes from the Statute, Patent, Close, and Fine Rolls, proceeding.
		SCOTLAND.	
Gen. Reg. House, Edinburgh.	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland.	*Memorandum:* At the instance of the Lord President, the Lord Justice Clerk, and the Lord Chief Baron, the former work undertaken upon this subject was laid aside, and a more regular and complete collection is under consideration; and a detailed Report upon this is in preparation by Mr. Thomson, who has been appointed for this purpose, on their Lordships joint recommendation.

WE further beg leave to state to Your Majesty, that the following Work is nearly completed, and will be very soon ready for delivery; viz.

"ROTULORUM ORIGINALIUM IN CURIA SCACCARII ABBREVIATIO.
"Temporibus regum Hen. 3. Edw. 1. & Edw. 2. Vol. I."

And WE have moreover Ordered,—In the Lord Treasurer's Remembrancer's Office, Exchequer, That Mr. Playford do proceed on the Abstract to the Originalia, Vol. II. and the Printing thereof. Also, That the Record entitled Nomina Villarum, 9 Ed. 2. in the said office, having been transcribed from the original Rolls there by Mr. Playford, That the imperfections and deficiencies therein be supplied from the MS. in the Harleian Library, British Museum, N° 6,281, by Mr. Henry Ellis, and afterwards that the transcript thus corrected be printed.

In the King's Remembrancer's Office, Exchequer,—That Mr. Vanderzee do proceed in transcribing the Nonæ Rolls. Also, That the Book called Testa de Nevill, in the King's Remembrancer's Office, be forthwith transcribed and printed.

At the British Museum,—That the Reverend Mr. Nares be requested to continue his attention to the revision and extension of the Catalogue to the Harleian MSS.

At the Tower, WE have directed that the manuscript copy of the Statutes from the collations and transcripts at the Tower, be put forthwith to the press. Also, That the bundles of Petitions in Parliament, hitherto unarranged, be forthwith methodized by Mr. Lysons, the Keeper of the Records there, with occasional assistance to be afforded him. Also, That Mr. John Dale and Mr. Robert Lemon, senior, do continue the transcript and revision of the Calendars to the Inquisitions Post Mortem, in the manner already proceeded upon.

At the Chapter House,—That the Indexes to the names of places in Domesday Book, compiled by Mr. Thompson and Mr. Clarke, be completed, revised, and printed. Also, That the Work entitled Abbreviatio Placitorum in Curia Regis, be continued in the Press.

And WE have recommended one of our Sub-commissioners, Mr. Richards, to the Right Honourable George Rose, to be put upon the permanent establishment of the Chapter House, which he has been pleased to comply with; and we have directed Mr. Illingworth, another of our Sub-Commissioners, to be assisting to Mr. Richards, in making a thorough examination of the unarranged Records there.

Dated 25 March, 1805.

(Signed) CHARLES ABBOT. (L. S.)
FRED. CAMPBELL. (L. S.)
REDESDALE. (L. S.)
GLENBERVIE. (L. S.)
WILLIAM GRANT. (L. S.)

ABSTRACT OF ANNUAL REPORT, 25 MARCH 1806.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

APPENDIX, (C.) Annual Report, 1806.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the nineteenth day of July 1800, for carrying into execution the measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Majesty, That in pursuance of the powers vested in us by Your Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty, in Your Privy Council, dated the twenty-fifth of March 1805.

And WE beg leave most humbly to lay before YOUR MAJESTY the following State of the Proceedings had in pursuance of the said Commission, from the 25th day of March 1805, unto the present time, and what remains to be further done thereupon.

STATE of the PROCEEDINGS to 25th March 1806.

Repository.	Sub-Commissioners and others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Exchequer: King's Rem^{rs} Office.	Mr. Caley. Mr. Vanderzee.	The Nonæ Rolls to be transcribed and prepared for Press.	Returns for 18 Counties printed; the rest transcribed for the Press.
Exchequ^{r} K. R. O.	Mr. Caley. Mr. Illingworth.	Testa de Nevill sive Liber Feodorum, to be transcribed and printed.	Pages printed 280, comprehending 27 Counties; the remainder transcribed.
Exchequer: Lord Treasurer's Rem^{rs} Office.	Mr. Caley. Mr. Playford.	Abstract of the Rolls called Originalia, to be continued in the Press.	76 pages of the second Volume printed.
British Museum.	Rev^{d} Mr. Nares. Mr. H. Ellis.	Catalogue of the MSS. in the Harleian Collection to be revised.	204 pages of the first Volume printed.
British Museum.	Mr. C. Ellis.	MS. Harl. 6,281, containing a copy of the Record called "Nomina Villarum" in the L. T. Rem^{rs} Office, to be transcribed.	Completely transcribed.
Chapter House.	R^{t} Hon. Geo. Rose. Mr. Thompson. Mr. Clarke.	Complete Index to Domesday to be prepared and printed, with Title and Table of Contents.	Index in order of Counties printed 144 pages. General Index ready for Press.
Chapter House.	R^{t} Hon. Geo. Rose. Mr. H. Ellis.	Abbreviatio Placitorum to be printed.	244 pages printed, 30 Edw. I.
Chapter House.	R^{t} Hon. Geo. Rose. Mr. C. Ellis. Mr. Richards. Mr. Illingworth.	A General Examination and Arrangement of all the Records in this Repository to be made, and thereupon a new Inventory of its whole Contents to be prepared ichnographically and alphabetically; and Copies thereof to be deposited at the Tower and in in the British Museum.	Progress made.—*Memorandum:* The Attic Room, containing many Letters and Papers of Cardinal Wolsey and other celebrated persons, Houshold Books, Stewards Accounts, &c. and numerous Rolls of Assise and Proceedings in Eyre, have been arranged, and Bags of Placita, &c. called County Bags, have been arranged for eighteen Counties.
Tower.	Mr. Caley. Mr. Lemon, sen^{r}. Mr. Lemon, jun^{r}. Mr. John Dale.	The Official Calendars to the Inquisitions Post Mortem, or Escheats, to be printed, and the Calendars to be revised and transcribed.	The 1st Vol. printed.—Transcripts for the Press completed to the end of Hen. 5. also the reign of Ed. 4.; that of Hen. 6. only remains to be transcribed.
Tower.	Mr. Lysons. Mr. Illingworth.	The mass of Petitions in Parliament found in this Office, to be sorted and arranged chronologically.	Classed in the Reigns to which they relate, from Ed. 1. to Ed. 4.

Appendix, (C.)
Annual Report, 1806.

STATE of the PROCEEDINGS to 25th March 1806.—*continued.*

Repository.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Tower, and elsewhere.	Mr. Luders. Mr. Tomlins. Mr. France, &c.	The Statutes of the Realm.—To proceed in the Preparation and Arrangement of Materials for the First Volume.	*Memorandum.*—An introductory Statement, with Appendixes, has been drawn up and printed for the consideration of the Commissioners; and all the Charters of Liberties, from the time of Hen. 1. to the Great Charter of Hen. 3. inclusive; together with the Statutes and Translation thereof, to the Stat. of Westm. 1. inclusive, have been printed.
		SCOTLAND.	
Genl Reg^{r} House, Edinburgh.	Mr. Thomson.	Statutes and Proceedings of the Parliament of Scotland.	*Memorandum.*—Mr. Thomson has been employed in collecting materials for his detailed Report upon this Subject, and has prepared and printed a specimen of Index to the Retours and Services of Heirs.

WE further beg leave to state to Your Majesty, That the following Work is completed and ready for delivery, viz.

"CALENDARIUM INQUISITIONUM POST MORTEM SIVE ESCAETARUM.
"Temporibus Regum Hen. 3. Ed. 1. & Ed. 2. Vol. I."

And WE have moreover Ordered, That a second Volume of Calendars to the Inquisitions Post Mortem or Escheats, commencing with the Reign of Edward the Third, be printed under the direction of the Secretary to this Board.

Also, That Mr. John Dale, and Mr. Robert Lemon, senior, do continue the transcript and revision of the Calendars to the Inquisitions Post Mortem, in the manner already proceeded upon.

Also, That Mr. Robert Lemon, junior, do make Indexes of places and persons to the second volume of Calendars to the Inquisitions Post Mortem.

Also, That Mr. Richards do transcribe the Hundred Rolls which remain in the Tower and Chapter House.

In the King's Remembrancer's Office,—That the printing of the Nonæ Rolls, and also the Record entitled Testa de Nevill, be continued.

In the Lord Treasurer's Remembrancer's Office,—That the printing of the second Volume of the Originalia be suspended, until the first volume, lately published, hath been examined. Also, That Copy for a first volume of Memoranda, for a period corresponding with the first volume of the Originalia, be prepared for the Press, but not printed, until the same hath been reported upon, and a further order made.

In the First Fruits Office, Exchequer,—That the Ecclesiastical Survey, made in pursuance of an Act of Parliament, in the 26th year of King Henry the Eighth, and returned into His Majesty's Court of First Fruits and Tenths, be forthwith transcribed and printed.

At the British Museum,—That the Catalogue of the Harleian Manuscripts be printed in type and size corresponding to the Cottonian Catalogue.

At the Chapter House Westminster,—That the General Index to Domesday, compiled by Mr. Thompson, be revised and printed. Also, That the Work entitled Abbreviatio Placitorum in Curia Regis, be continued in the Press. And that Mr. Illingworth do continue to be assisting to Mr. Richards, in making a thorough examination of the unarranged Records in the Chapter House.

(Signed) CHARLES ABBOT. (L. S.)
FRED. CAMPBELL. (L. S.)
GLENBERVIE. (L. S.)
WILLIAM GRANT. (L. S.)

Dated 25 March, 1806.

ABSTRACT OF ANNUAL REPORT, 25 MARCH 1807.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

APPENDIX, (C.)
Annual Report, 1807.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Majesty, That in pursuance of the powers vested in us by Your Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty, in Your Privy Council, dated the 25th of March 1806.

And WE beg leave most humbly to lay before YOUR MAJESTY the following State of the Proceedings had in pursuance of the said Commission, from the 25th March 1806, unto the present time, and what remains to be further done thereupon.

STATE of the PROCEEDINGS to 25th March 1807.

Repository.	Sub-Commissioners and others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer: King's Rem. Office.	Mr. Caley. Mr. Vanderzee.	Transcribing the Nonæ Rolls, and preparing them for Press.	This Work is printed, except Index.
Exchequer: King's Rem. Office.	Mr. Caley. Mr. Illingworth.	Correcting Transcript of Testa de Nevill, and preparing it for Press.	Printed in one volume, containing 599 pages.
Exchequer: Lord Treas. Rem. Office.	Mr. Caley. Mr. Playford.	Abstract of the Rolls called Memoranda.	This Work has been proceeded in from 1 John to 10 Hen. 3.
Exchequer: First Fruits Office.	Mr. Caley. Mr. Shrigley.	Transcribing Ecclesiastical Valor, 26 Hen. 8. and preparing it for Press.	The Returns for the Dioceses of Canterbury and Rochester have been printed in 120 pages. Those for the Diocese of Bath and Wells have been transcribed. The Transcript of the Diocese of Bristol in some forwardness.
British Museum.	Rev. R. Nares. Mr. H. Ellis.	Revision of the Catalogue of Harleian MSS. and additional Indexes.	468 pages of 1st vol. printed; 68 pages of 3d vol. printed.
Chapter House Westminster.	Rt Hon. Geo. Rose. Mr. Thompson. Mr. A. Tomlins.	Complete Index to Domesday, to be prepared and printed with Title and Table of Contents.	Mr. Clarke's Index in order of counties printed in 144 pages; 44 pages of Mr. Thompson's General Index, comprehending letters A and B, printed. The Title and Table of Contents are printed.
Chapter House.	Rt Hon. Geo. Rose. Mr. C. Ellis.	Abbreviatio Placitorum to be printed.	This Work is brought down to end of Edw. 1st's Reign, in 288 pages.
Chapter House.	Rt Hon. Geo. Rose. Mr. C. Ellis. Mr. Richards. Mr. Illingworth.	Examination and Arrangement of Records, and Formation of an Ichnographical and Alphabetical Inventory.	The County Bags of Placita Coronæ and Assisæ, Antient Deeds, and Forest Proceedings, have been arranged for 23 Counties; and the Hundred Rolls for 10 Counties have been transcribed. The Records, intituled, "Scotia," have likewise been methodized and indexed.
Tower.	Mr. Caley. Mr. Lemon senr. Mr. Dale.	The official Calendars to the Inquisitions Post Mortem, or Escheats, to be printed, and the Calendars to be revised and transcribed.	Of the 2d volume of Calendars, comprehending the Reign of Edw. 3d, 176 pages have been printed. Transcripts for the press have been completed to 27 Hen. 6.; the remainder of that Reign only requires transcribing.
Tower.	Mr. Richards.	To transcribe the Hundred Rolls which remain there.	Great part of the Roll for the County of Cambridge has been transcribed, and part of Huntingdon.

APPENDIX, (C.)

Annual Report, 1807.

STATE of the PROCEEDINGS to 25th March 1807—*continued.*

Repository.	Sub-Commissioners and others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Tower and elsewhere.	Mr. Tomlins. Mr. France. Mr. Taunton. Mr. Caley. Mr. Richards. Mr. Illingworth.	The Statutes of the Realm.—To proceed in the Preparation and Arrangement of Materials for the First Volume.	1. The Introductory Statement has been corrected and enlarged. 2. All original Charters of the Liberties of England, hitherto discovered, have been transcribed and printed. 3. The Statutes and Translation thereof, heretofore printed, have been corrected, and continued from Stat. Westm. 1. (3 Ed. 1.) to the end of Stat. Westm. 2. (13 Ed. 1.) with Collations from various Records.
Scotland.	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland.	Mr. Thomson having been appointed Deputy Clerk Register, is employed on the several Matters referred to him; and his Reports thereon are in preparation.

WE further beg leave to state to Your Majesty, That the following Work is completed and ready for delivery, viz.

"TESTA DE NEVILL, SIVE LIBER FEODORUM IN CURIA SCACCARII,
"Temporibus Hen. 3. & Edw. 1."

And that another Work entitled,

"NONARUM INQUISITIONES IN CURIA SCACCARII,
"Temporibus Regis Edwardi 3."

is nearly completed and will be soon ready for delivery.

And WE have moreover Ordered,

IN THE LORD TREASURER'S REMEMBRANCER'S OFFICE,—That the printing of the second volume of the *Originalia* (of which 76 pages are already printed) be continued.

Also, That the transcript and abstract of the Memoranda be continued until sufficient matter is collected to form a volume.

IN THE FIRST FRUITS OFFICE,—That the Ecclesiastical Survey, made in pursuance of an Act of Parliament, in the 26th Year of King Henry the Eighth, be continued in the press.

AT THE BRITISH MUSEUM,—That the enlarged and improved Catalogue of the Harleian Manuscripts be continued in the Press.

AT THE CHAPTER HOUSE WESTMINSTER,—That the General Index to Domesday, be continued in the press.

Also, That the Work entitled Abbreviatio Placitorum in Curia Regis, be continued in the press.

Also, That Mr. Richards do proceed in his transcript of the Hundred Rolls preparatory to printing the same, with the Nomina Villarum, and Hundred Rolls at the Tower.

And, That Mr. Illingworth do continue to be assisting to Mr. Richards in making a thorough examination of the unarranged Records of the Chapter House.

IN THE TOWER,—That the second volume of Calendars to the Inquisitions Post Mortem or Escheats, comprehending the reign of Edward the Third, be continued in the press.

Also, That Mr. Dale, and Mr. Lemon senior, do continue the transcript and revision of the Calendars to the Inquisitions Post Mortem, in the manner already proceeded upon.

Also, That Mr. Richards do continue his transcript of the Hundred Rolls.

And that Mr. Illingworth do at his spare hours continue the abstract of the County Placita.

(Signed) CHARLES ABBOT. (L. S.)
FRED. CAMPBELL. (L. S.)
JOHN BANGOR. (L. S.)
WILLIAM GRANT. (L. S.)
NATH. BOND. (L. S.)

Dated 23 March, 1807.

ABSTRACT OF ANNUAL REPORT, 25 MARCH 1808.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Appendix, (C.) Annual Report, 1808.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to YOUR MAJESTY, That in pursuance of the powers vested in us by Your Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty, in Your Privy Council, dated the 25th of March 1807.

STATE of the PROCEEDINGS to 25th March 1808.

Repository.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer: K. R. Office.	Mr. Caley. Mr. Vanderzee.	Transcribing Nonæ Rolls and preparing them for Press.	Printed in one volume, containing 485 pages.
Exchequer: T. R. Office.	Mr. Caley. Mr. Playford.	Abstract of the Rolls called Memoranda.	Advanced to 30 Hen. 3. in MS. but not yet printed.
Exchequer: T. R. Office.	Mr. Caley. Mr. Playford.	Abstract of the Rolls called Originalia, vol. 2. temp. Edw. 3.	Printed to 23 Edw. 3. in 200 pages.
Exchequer: First Fruits Office.	Mr. Caley. Mr. Shrigley.	Transcribing Ecclesiastical Valor, 26 Hen. 8. and preparing it for Press.	Advanced in the press from 120 pages to 248 pages. Dioceses printed: Canterbury, Rochester, Bath and Wells, completely; Bristol, partly.
British Museum.	Rev. R. Nares. Mr. H. Ellis.	Revision of the Catalogue of Harleian MSS. with Indexes Alphabetical and Analytical.	1st vol. entirely printed in 656 pages. 2d vol. partly printed in 180 pages. 3d vol. partly printed in 232 pages.
Chapter House Westminster.	Rt Hon. Geo. Rose. Mr. Thompson. Mr. A. Tomlins.	Complete Index to Domesday, to be prepared and printed with Title and Table of Contents.	Mr. Clarke's Index in order of Counties printed in 144 pages. 300 pages of this and Mr. Thompson's General Index printed. The Title and Table of Contents are printed.
Chapter House.	Rt Hon. Geo. Rose. Mr. C. Ellis.	Abbreviatio Placitorum to be printed.	This Work is brought down to 5 Edw. 2. in 312 pages.
Chapter House.	Rt Hon. Geo. Rose. Mr. C. Ellis. Mr. Richards. Mr. Illingworth.	Examination and Arrangement of Records; and Formation of an Ichnographical and Alphabetical Inventory.	A General Inventory of all the Records has been made. The County Bags of Placita Coronæ and Assisæ, Antient Deeds, and Forest Proceedings, have been arranged for 25 Counties. The Hundred Rolls for 15 Counties have been transcribed, and progress made upon an Abstract of the Quo Waranto Rolls.
Tower.	Mr. Caley. Mr. Lemon sen. Mr. Dale.	The official Calendars to the Inquisitions Post Mortem or Escheats, to be printed, and the Calendars to be revised and transcribed.	Of the 2d vol. of Calendars the whole of the Text is printed in 362 pages, and more than 100 pages of the Index. Transcripts for the press have been completed to the end of Hen. 6.
Tower.	Mr. Richards.	To transcribe the Hundred Rolls which remain there.	The greater part of the Roll for the County of Cambridge has been transcribed, and part of Huntingdon.
Tower.	Mr. Illingworth.	To make an Abstract of County Placita.	This Work has been executed for 21 Counties; eleven only remain to be done.
Tower.	Mr. Macpherson.	To transcribe the Rotuli Scotiæ in the Tower of London.	This Work is now in the Press, and 12 pages printed.

Appendix, (C.)

Annual Report, 1808.

STATE of the PROCEEDINGS to 25th March 1808—*continued.*

Repository.	Sub-Commissioners and others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Tower and elsewhere.	Mr. Tomlins. Mr. France. Mr. Taunton. Mr. Caley. Mr. Richards. Mr. Illingworth.	The Statutes of the Realm.—To proceed in the Preparation and Arrangement of Materials for the Firft Volume.	1. The Introduction, and several sheets of the earliest Statutes, have been revised and reprinted. 2. Progress has been made in printing the Statutes, from the end of Westm. 2. 13 Ed. 1. to 14 Edw. 3. 3. Engravings of the Great Charter of King John, preserved in Lincoln Cathedral, and also the Charter of the Forest, 2 Hen. 3. and Great Charter, 9 Hen. 3. proceeded on.
Scotland.	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland.	1. In consequence of a Report from Mr. Thomson, Dep. Cl. Reg', divers resolutions and orders have been made by the Board, and matters have been referred to the Great Law Officers of Scotland, who have reported their opinions thereon, and the measures ordered are carrying into execution. 2. A General Repertory to the Records, in the General Register House, is in great forwardness. An Abridgment of the Retours of Services is printing, and the Royal Charters and Parliamentary Records are transcribing.

WE further beg leave to state to Your Majesty, That the following Work is nearly completed, and will very soon be ready for delivery, viz.

"CALENDARIUM INQUISITIONUM POST MORTEM SIVE ESCAETARUM,
"Vol. II. Temporibus Edw. III."

And WE have moreover Ordered,

In the Lord Treasurer's Remembrancer's Office,—That the second volume of Originalia be continued in the Press. Also, That the transcript and abstract of the Memoranda be continued until sufficient matter is collected to form a volume.

In the First Fruits Office,—That the Ecclesiastical Survey, made in pursuance of an Act of Parliament, in the 26th year of King Henry the Eighth, be continued in the press.

At the British Museum,—That the enlarged and improved Catalogue of the Harleian Manuscripts be continued in the press.

At the Chapter House Westminster,—That the general Index to Domesday be continued in the press.

Also, That the Work entitled Abbreviatio Placitorum, be continued in the press.

Also, That the transcript of the Hundred Rolls in this Repository, and at the Tower, be continued by Mr. Richards, and that the same be forthwith prepared for the press and printed, together with the Nomina Villarum.

And, That Mr. Illingworth do continue his examination of the unarranged Records.

In the Tower,—That the Manuscript of the Rotuli Scotiæ be continued in the press.

That, Mr. Richards do continue his transcript of the Hundred Rolls.

And, That Mr. Illingworth do at his spare hours continue his abstract of the County Placita.

(Signed) CHARLES ABBOT. (L. S.)
FRED. CAMPBELL. (L. S.)
REDESDALE. (L. S.)
GLENBERVIE. (L. S.)
JOHN BANGOR. (L. S.)
WILLIAM GRANT. (L. S.)
ARCH. COLQUHOUN. (L. S.)
CHARLES BATHURST. (L. S.)

Dated 25 March, 1808.

ABSTRACT OF ANNUAL REPORT, 25 MARCH 1809.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Majesty, That in pursuance of the powers vested in us by Your Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty, in Your Privy Council, dated the 25th of March 1808.

And WE beg leave most humbly to lay before YOUR MAJESTY the following State of the Proceedings had in pursuance of the said Commission, from the 25th March 1808, unto the present time, and what remains to be further done thereupon.

STATE of the PROCEEDINGS to 25th March 1809.

Repository.	Sub-Commissioners and others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer: King's Remembrancer's Office.	Mr. Caley. Mr. Vanderzee.	Collecting and transcribing Monastic Records.	Collected Extents of Knights Templars' Possessions in England, Extents of Possessions of Alien Priories, Possessions of Royal Abbies and Priories, and of Ecclesiastical Possessions, Vacante Sede, Copies of Royal Charters, and Hundred Rolls, Somerset and Dorset.
Exchequer: Lord Treasurer's Remembrancer's Office.	Mr. Caley. Mr. Playford.	Memoranda: Abstract of the Rolls.	Advanced to 37 Hen. 3. in MS. but not yet printed.
Exchequer: Lord Treasurer's Remembrancer's Office.	Mr. Caley. Mr. Playford.	Originalia: Abstract of the Roll, Vol. 2. Temp. Ed. 3.	Printed to 44 Edw. 1. in 308 pages.
Exchequer: First Fruits Office.	Mr. Caley. Mr. Shrigley.	Ecclesiastical Valor, 26 Hen. 8: Transcribing and preparing it for Press.	Advanced in the Press from 248 to 368 pages, with ecclesiastical maps. Dioceses printed: Canterbury, Rochester, Bath and Wells, Bristol, Chichester, London partly.—Dioceses transcribed but not yet printed: Coventry and Lichfield completely; London almost completely.
British Museum.	Rev. R. Nares. Mr. H. Ellis.	Revision of Catalogue of Harleian MSS. with Alphabetical and Analytical Indexes.	The whole finished (except Indexes) in 3 vols.
Chapter House Westminster.	R^t Hon. Geo. Rose. Mr. C. Ellis.	Abbreviatio Placitorum to be printed with Indexes.	This Work is finished (except Indexes) in 356 pages.
Chapter House Westminster.	R^t Hon. Geo. Rose. Mr. Thomson. Mr. A. Tomlins.	Domesday: Complete Index to be prepared and printed with Title and Table of Contents.	Mr. Clarke's Index in order of Counties printed in 144 pages. 392 pages of this, and Mr. Thompson's General Index, printed. The Title and Table of Contents are printed.
Chapter House Westminster.	R^t Hon. Geo. Rose. Mr. C. Ellis. Mr. Richards. Mr. Illingworth.	Examination and Arrangement of Records—and formation of an Ichnographical and Alphabetical Inventory of the whole.	The County Bags of Placita Coronæ and Assisæ, antient Deeds and Forest Proceedings, completely arranged for England and Wales. The Star Chamber Proceedings have been arranged in better order. Hundred Rolls for eleven counties have been printed in 180 pages, and transcripts for five counties are prepared in advance. Progress also continues to be made on the Quo Waranto Rolls.
Tower.	Mr. Caley. Mr. Lemon, sen.	Inquisitions Post Mortem: The Official Calendars to be printed, and the Calendars to be revised and transcribed.	The second volume of Calendars, with proper Indexes, has been completed at the Press, and delivered. The Official Calendars from 1 to 13 Ric. 2. have been corrected by examination with the originals.

Appendix, (C.)
Annual Report, 1809.

STATE of the PROCEEDINGS to 25th March 1809—*continued*.

Repository.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Tower.	Mr. Richards.	Hundred Rolls: Transcript.	Suspended until the Hundred Rolls at Chapter House are finished.
Tower.	Mr. Illingworth.	Arrangement of Petitions in Parliament.	The Arrangement of them is commenced, and an Index is preparing to those already printed.
Tower.	Mr. Macpherson.	To transcribe and revise in the Press, the Rotuli Scotiæ in the Tower of London.	Of this Work 156 pages are printed.
Tower and elsewhere.	Mr. Tomlins. Mr. France. Mr. Taunton. Mr. Caley. Mr. Richards. Mr. Illingworth.	The Statutes of the Realm. —To be continued in the Press.	The Charters of Liberties, from 1 Hen. 1. to 29 Edw. 3. are printed with engraved specimens. The Statutes from Stat. Merton 20 Hen. 3. to Stat. Westm. 1. 13 Edw. 1. are in the Press; and the Introduction to the first volume of the Statutes is printed for the use of the Commissioners.
Scotland.	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland.	1. The Statutes and other Parliamentary Records of Scotland are now printing, according to a plan approved of by the great Law Officers of Scotland.

WE further beg leave to state to Your Majesty, That the following Work is completed in three volumes, and ready for delivery, except the Indexes, which will be finished as soon as possible, and delivered in a supplementary volume, viz.

"A CATALOGUE OF THE HARLEIAN MANUSCRIPTS IN THE BRITISH MUSEUM."

And WE have moreover Ordered, That the First Volume of the "Statutes of the Realm" be continued in the Press.

In the King's Remembrancer's Office, Exchequer,—That the Collection of Extents of Alien Priories, and other Monastic Records, be completed and transcribed.

In the Lord Treasurer's Remembrancer's Office,—That the second volume of Originalia be continued in the Press. And, That the Abstract of the Memoranda be continued until sufficient matter is collected to form a volume.

In the First Fruits Office,—That the Ecclesiastical Survey, made in pursuance of an Act of Parliament in the 26th year of King Henry the Eighth, be continued in the Press.

At the British Museum,—That Alphabetical and Analytical Indexes to the enlarged and improved Catalogue of the Harleian Manuscripts be prepared and printed.

At the Chapter House Westminster,—That the General Index to Domesday be continued in the Press.
Also, That the Work entitled Abbreviatio Placitorum be continued in the Press.
Also, That the Hundred Rolls be continued in the Press.
And, That Mr. Illingworth do continue his arrangement of the unarranged Records, and make Abstract of Quo Waranto Rolls.

In the Tower,—That the Rotuli Scotiæ be continued in the Press.
That Mr. Richards do continue his transcript of the Hundred Rolls. And, That Mr. Illingworth do arrange the Petitions in Parliament, and other Parliamentary Records.

(Signed) CHARLES ABBOT. (L. S.)
FRED. CAMPBELL. (L. S.)
REDESDALE. (L. S.)
GLENBERVIE. (L. S.)
JOHN BANGOR. (L. S.)
WILLIAM GRANT. (L. S.)
ARCH. COLQUHOUN. (L. S.)
NATH. BOND. (L. S.)

Dated 25th March, 1809.

ABSTRACT OF ANNUAL REPORT, 25 MARCH 1810.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

APPENDIX, (C.) Annual Report, 1810.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Majesty, That in pursuance of the powers vested in us by Your Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty, in Your Privy Council, dated the 25th day of March 1809.

STATE of the PROCEEDINGS to 25th March 1810.

Repository.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer: K. Rem. Office.	Mr. Caley. Mr. Vanderzee	Collating and transcribing Monastic Records, &c.	Collated and transcribed Extents of Alien Priories, Possessions of Knights Templars and Bishopricks vacante Sede, as also Transcripts of Inquisitions Post Mortem, from Edw. 3. to Elizabeth, both inclusive.
Exchequer: T. R. Office.	Mr. Caley. Mr. Playford.	Originalia: Abstract of the Rolls, Edw. 3. Vol. 2. And Memoranda: Abstracts of the Rolls to be proceeded upon.	Completely printed, with Indexes of Places and Persons. Advanced to 46 Hen. 3. in MS. but not yet printed.
Exchequer: F. F. Office.	Mr. Caley. Mr. Shrigley.	Transcribing Ecclesiastical Valor, 26 Hen. 8. and preparing it for Press.	The Text of the First Volume completed in 452 pages, with Ecclesiastical Maps; the Index Capitum printed; the Indexes of Places and Persons only remain to be printed. Dioceses transcribed but not yet printed: Coventry and Lichfield, Winton, and the greater part of Sarum.
British Museum.	Mr. Horne.	Alphabetical and Analytical Indexes to Harleian Catalogue.	The Index of Persons completed, those of Places and Matters remain to be done.
Chapter House Westminster.	Rt Hon. Geo. Rose. Mr. Illingworth.	Abbreviatio Placitorum to be printed with Indexes.	Indexes of Places and Persons finished, the Index of Matters remains to be done.
Chapter House Westminster.	Rt Hon. Geo. Rose. Mr. Thompson. Mr. A. Tomlins.	Domesday, complete Index to be prepared and printed, with Title and Table of Contents.	The Index in Order of Counties printed in 144 pages, which, with the General Index to the First Volume, now completed, makes 433 pages. The Title and Table of Contents are printed.
Chapter House Westminster.	Rt Hon. Geo. Rose. Mr. C. Ellis. Mr. Richards. Mr. Illingworth.	Examination and Arrangement of Records, and Formation of Ichnographical and Alphabetical Inventory.	Divers Bags of Miscellaneous Records have been arranged. The Hundred Rolls have been advanced in print from 180 to 332 pages, and two Counties are transcribed in advance. Progress also continues to be made on the Quo Warranto Rolls; and the Records of Fines removed to this Office in June 1809 have been arranged from the Reign of Edw. 6. to the End of George the Second; the earlier Fines remain to be done.
Tower.	Mr. Caley. Mr. Lemon, sen.	Inquisitions Post Mortem: The official Calendars to be revised and transcribed.	The Repertories from 13 Ric. 2. to the end of his Reign have been corrected and enlarged by examination with the Originals.
Tower.	Mr. Illingworth.	Arrangement of Petitions in Parliament.	An Index has been made to the Petitions already printed, and some advancement has been subsequently made in arranging the Petitions themselves.

APPENDIX, (C.) Annual Report, 1810.

STATE of the PROCEEDINGS to 25th March 1810—*continued.*

Repository.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
	Mr. Macpherson.	To transcribe and revise in the Press the Rotuli Scotiæ in the Tower of London.	This Work has been advanced in the Press from page 156 to page 336.
Tower and elsewhere.	Mr. Tomlins. Mr. Taunton. Mr. Illingworth.	The Statutes of the Realm.—To be continued in the Press.	Of the First Volume, 320 pages are printed. Transcripts and Translations in continuation are prepared for the Press.
Scotland	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland, &c.	206 pages of Acta Auditorum, and 32 pages of Acta Dominorum Consilij regnante Jacobo Tertio printed. The Royal Charters from Rob. 1. to Rob. 3. printed. Nearly 500 pages are printed of the Abridgement of Retours of Services. An Abridgement of the Record of Tailzies is also in great forwardness.

WE further beg leave to state to Your Majesty, That the following Work is completed and ready for delivery, viz.

"ROTULORUM ORIGINALIUM IN CURIA SCACCARIJ ABBREVIATIO. Vol. 2.
"Tempore Regis Edwardi 3."

And WE have moreover Ordered, That the First Volume of the "Statutes of the Realm" be continued in the Press.

IN THE KING'S REMEMBRANCER'S OFFICE, EXCHEQUER,—That the Extents of Alien Priories, and other Monastic Records, be transcribed, arranged, and indexed.

IN THE LORD TREASURER'S REMEMBRANCER'S OFFICE,—That the Abstract of the Memoranda be continued until sufficient matter is collected to form a Volume.

IN THE FIRST FRUITS OFFICE,—That the Ecclesiastical Survey, made in pursuance of an Act of Parliament in the 26th year of King Henry the Eighth, be continued in the Press.

AT THE BRITISH MUSEUM,—That the Alphabetical and Analytical Indexes to the enlarged and improved Catalogue of the Harleian MSS. be completed.

AT THE CHAPTER HOUSE WESTMINSTER,—That the General Index to Domesday be continued in the Press.
Also, That the Work entitled Abbreviatio Placitorum be continued.
Also, That the Hundred Rolls be continued in the Press.
And, That Mr. Illingworth do continue his Abstract of Quo Warranto Rolls.

IN THE TOWER,—That the Rotuli Scotiæ be continued in the Press.

SCOTLAND.—That Mr. Thomson do proceed with special Diligence upon the Parliamentary Records of Scotland, and the other Works there under his Superintendance.

Dated 24 March, 1810.

(Signed) CHARLES ABBOT. (L. S.)
FREDERICK CAMPBELL. (L. S.)
GLENBERVIE. (L. S.)
JOHN LONDON. (L. S.)
WILLIAM GRANT. (L. S.)
ARCHIBALD COLQUHOUN. (L. S.)

ABSTRACT OF ANNUAL REPORT, 25 MARCH 1811.

TO HIS ROYAL HIGHNESS
GEORGE PRINCE OF WALES,
REGENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
IN COUNCIL.

WE the Commissioners constituted and appointed by His Majesty's Royal Commission, bearing date the 25th day of May 1806, for carrying into execution the measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Royal Highness, That in pursuance of the powers vested in us by His Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to His Majesty, in His Privy Council, dated the 25th day of March 1810.

STATE of the PROCEEDINGS to 25th March 1811.

Repository.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer: K. Rem. Office.	Mr. Caley. Mr. Vanderzee.	Collating and transcribing Monastic Records.	Collected and transcribed Extents of the Temporalties of Abbies and Priories of Royal Foundation, Extents of the Temporalties of Bishops, Accounts of the Spiritualties and Temporalties of Alien Priories and Royal Charters in various Reigns, from Edw. 1. to Hen. 7. Arranged in Counties many of the Inqus Post Mortem, and proceeding with the remainder, and to make a Calendar of them.
Exchequer: T. Rem. Office.	Mr. Caley. Mr. Playford.	Memoranda: Abstract of the Rolls. Originalia: Transcribing Official Repertories.	Advanced to 2d Edw. 1. in MS. but not yet printed. Transcribed from 1 Hen. 8. to 11 James 1.
Exchequer: F. F. Office.	Mr. Caley. Mr. Shrigley.	Transcribing Eccl. Valor, and preparing it for Press.	The First Volume completely printed in 519 pages exclusive of Maps and introductory Matter. The Second Volume in the Press and 60 pages printed. Dioceses transcribed but not yet printed: Coventry and Lichfield, Sarum, Worcester, and the greater part of Exeter.
British Museum.	Mr. Horne.	Alphabetical and Analytical Indexes to Harleian Catalogue.	The Indexes of Persons and Places completed, the Index of Matters alone remains to be done, and is in the Press.
	Mr. Douce. Rev. Mr. Baber.	Catalogue of Lansdowne MSS. to be prepared and printed.	In the Press, and 72 pages printed.
Chapter House, Westminster.	Rt. Hon. G. Rose. Mr. Illingworth.	Abbreviatio Placitorum, to be printed, with Indexes.	The concluding Index of Matters is ready for Press.
Chapter House, Westminster.	Rt. Hon. G. Rose. Mr. Thompson. Mr. A. Tomlins.	Domesday: Complete Index to be prepared and printed, with Title and Table of Contents.	The whole completely printed (in 536 pages), except an Index Rerum, which is now in the Press.
Chapter House, Westminster.	Rt. Hon. G. Rose. Mr. C. Ellis. Mr. Richards. Mr. Illingworth.	Examination and Arrangement of Records, and Formation of an Ichnographical and Alphabetical Inventory.	The Hundred Rolls, from 332 pages to 480 pages, printed. Quo Waranto Rolls abstracted for ten Counties. Records of Fines, removed to this Office in June 1809, completely arranged. Progress making in the further arrangement of the Bags containing Miscellaneous Records. The Inventory noticed in the preceding Column has been finished.

STATE of the PROCEEDINGS to 25th March 1811—*continued.*

Repository.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
	Mr. Macpherson.	To transcribe and revise in the Press, the Rotuli Scotiæ in the Tower of London.	This Work has been advanced in the Press from p. 336 to p. 508.
Tower and elsewhere.	Mr. Tomlins. Mr. Taunton. Mr. Illingworth.	The Statutes of the Realm.—To complete the First Volume, and prepare Materials for Second Volume.	The 1st volume finished, containing the Statutes of Kings Hen. 3. Edw. 1. Edw. 2. and Ed. 3. preceded by the Charters of Liberties granted and confirmed by the Kings Hen. 1. Stephen, Hen. 2. and John, Hen. 3. and Edw. 1. Materials for the second volume, consisting of the Statutes of King Richard 2. and subsequent Reigns are ready for the Press.
Scotland.	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland, &c.	Progress made in the Parliamentary Records of Scotland. 206 pages of Acta Auditorum, and 268 pages of Acta Dominorum Consilij, have been printed. Also Royal Charters, 256 pages. And Abridgment of Retours of Services, 748 pages.

WE further beg leave to state to Your Royal Highness, That the following Works have been made complete and ready for delivery, viz.

1. " THE STATUTES OF THE REALM. Vol. I."

2. " VALOR ECCLESIASTICUS.
" Temporibus Hen. VIII. Auctoritate Regia Institutus. Vol. I."

3. " ABBREVIATIO PLACITORUM IN CURIA REGIS.
" Temporibus regum Ric. I. Joh. Hen. III. Ed. I. & II."

4. " CATALOGUE OF HARLEIAN MANUSCRIPTS IN THE BRITISH MUSEUM.
" Vol. IV. Containing Indexes of Persons, Places, and Matters."

5. " LIBRI CENSUALIS VOCATI DOMESDAY BOOK.—Indices."

And WE have moreover Ordered, That a Second and Third Volume be printed concurrently, of the authentic Collection " Of Statutes of the Realm."

IN THE KING'S REMEMBRANCER'S OFFICE, EXCHEQUER,—That the Extents of Alien Priories and other Monastic Records be transcribed, arranged and indexed.

IN THE LORD TREASURER'S REMEMBRANCER'S OFFICE,—That the Abstract of the Memoranda be continued until sufficient matter is collected to form a volume.

IN THE FIRST FRUITS OFFICE,—That the Ecclesiastical Survey, made in pursuance of an Act of Parliament in the 26th Year of King Henry the Eighth, be continued in the Press.

AT THE BRITISH MUSEUM,—Also, That the Catalogue of the Lansdowne Manuscripts be proceeded in.

AT THE CHAPTER HOUSE, WESTMINSTER,—Also, That the Hundred Rolls be continued in the Press.
And, That Mr. Illingworth do continue his abstract of Quo Waranto Rolls.

IN THE TOWER,—That the Rotuli Scotiæ be continued in the Press.
That, Dr. Adam Clarke do prepare Materials for a New edition of Rymer's Fœdera, and a Continuation thereto.

SCOTLAND,—That, Mr. Thomson do proceed with special diligence upon the Parliamentary Records of Scotland, and the other Works there under his superintendance.

(Signed) CHARLES ABBOT. (L. S.)
WILLIAM GRANT. (L. S.)
FRED. CAMPBELL. (L. S.)
REDESDALE. (L. S.)
GLENBERVIE. (L. S.)
JOHN LONDON. (L. S.)
CHARLES BATHURST. (L. S.)

Dated 25 March, 1811.

ABSTRACT OF ANNUAL REPORT, 23 MARCH 1812.

TO HIS ROYAL HIGHNESS
GEORGE PRINCE OF WALES,
REGENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
IN COUNCIL.

APPENDIX, (C.)
Annual Report, 1812.

WE the Commissioners constituted and appointed by His Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Royal Highness, That in pursuance of the powers vested in us by His Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Royal Highness, in Council, dated the 25th day of March 1811.

STATE of the PROCEEDINGS to 23d March 1812.

Repository.	Sub-Commissioners and others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer: K. Rem. Office.	Mr. Caley. Mr. Vanderzee.	Collecting and transcribing Monastic Records, &c.	Collected and transcribed further Extracts of Temporalties of Abbies and Priories of Royal Foundation, Accounts of Alien Priories and Royal Charters in various Reigns.
Exchequer: T. Rem. Office.	Mr. Caley. Mr. Playford.	Memoranda: Abstract of the Rolls.	Advanced to 7 Ed. I. in MS. but not yet printed.
		Originalia: Transcribing Official Repertories.	Transcribed from 1 Hen. 8. to 13 Jas. 1.
Exchequer: F. F. Office.	Mr. Caley. Mr. Shrigley.	Transcribing Eccl. Valor, and preparing it for Press.	The Second Volume has been advanced in print from 60 to 200 Pages. Dioceses transcribed, but not yet printed: Coventry and Lichfield, Worcester, Exeter, Oxford, and Part of Gloucester.
British Museum.	Mr. Horne.	Alphabetical and Analytical Indexes to Harleian Catalogue.	The Fourth and last Volume of this Catalogue, containing the Indexes, is completely printed.
	Mr. Douce. Rev. Mr. Baber.	A Catalogue of Lansdowne MSS. to be prepared and printed, with an Index.	The First Part, consisting of the Burleigh Papers, completed at Press in 226 Pages, except Index, which remains to be done.
Chapter House, Westminster.	Rt. Hon. G. Rose. Mr. Thompson. Mr. A. Tomlins.	Domesday: Complete Index to be prepared and printed, with Title and Table of Contents.	The whole completely printed.
Chapter House, Westminster.	Rt. Hon. G. Rose. Mr. Illingworth.	Abbreviatio Placitorum to be printed.	This Volume is completely printed.
Chapter House, Westminster.	Rt. Hon. G. Rose. Mr. C. Ellis. Mr. Richards. Mr. Illingworth.	Examination and Arrangement of Records.	The First Volume of Hundred Rolls is completely printed in 700 Pages. The Quo Waranto Rolls have been abstracted for Eighteen Counties. Some further Progress has been made in the Arrangement of Bags of Miscellaneous Records.
	Mr. Macpherson.	To transcribe and revise in the Press the Rotuli Scotiæ in the Tower of London.	This Work has been advanced in the Press from page 508 to p. 676.

Appendix, (C.)

Annual Report, 1812.

STATE of the PROCEEDINGS to 23d March 1812—*continued.*

Repository.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Tower and elsewhere.	Mr. Tomlins. Mr. Taunton. Mr. Illingworth.	The Statutes of the Realm.—To proceed with 2d and 3d Volumes.	The Second and Third Volumes are printing concurrently; of the former 168 Pages have been printed, of the latter 88 Pages.
Scotland.	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland, &c.	Two Volumes of Inquisitions, from 1547 to 1700, have been completely printed, and a Supplement is preparing. The other Works now printing are, 1. Acta Parliamentorum Scotiæ. 2. Acta Dominorum ad Causas audiend'; and Acta Dominorum Consilij. 3. Registrum Mag. Sig. Regum Scotiæ. 4. Abbreviatio Registri Magni Sigilli.

WE further beg Leave to state to Your Royal Highness, That the following Works have been made complete and ready for Delivery, viz.

1. "ROTULI HUNDREDORUM,
"Temp. Hen. III. & Edw. I. Vol. I."

2. "INQUISITIONUM AD CAPELLAM DOMINI REGIS RETORNARUM QUÆ IN PUBLICIS "ARCHIVIS SCOTLÆ ADHUC SERVANTUR ABBREVIATIO. Vol. I. and II."

And WE have moreover Ordered, That the Second and Third Volumes of the "Statutes of the Realm," be printed concurrently.

In the King's Remembrancer's Office, Exchequer,—That the Transcripts of Monastic Records be continued.

In the Lord Treasurer's Remembrancer's Office,—That the Abstract of the Memoranda be continued, until sufficient Matter is collected to form a Volume for the Inspection of the Board.

In the First Fruits Office,—That the Second Volume of the Ecclesiastical Survey made in pursuance of an Act of Parliament in the 26th Year of King Henry the Eighth, be continued in the Press.

At the British Museum,—That the Catalogue of the Lansdowne MSS. be continued in the Press.

At the Chapter House,—That the Second Volume of the Hundred Rolls be put to Press: Also, That a Volume of Quo Waranto Rolls be put to Press.

In the Tower,—That the Rotuli Scotiæ be continued in the Press.

Rymer's Fœdera,—That Dr. Adam Clarke do continue to prepare Materials for Supplement and Continuation.

Scotland,—That Mr. Thomson do proceed with special Diligence upon the Parliamentary Records of Scotland, and the other Works there under his Superintendance.

And We further beg Leave most humbly to state to Your Royal Highness, that at the present Time, We have not any other Matters to offer for Your Royal Highness's Consideration, touching or concerning the Premises, or any further Measures to propose thereupon.

(Signed) CHARLES ABBOT. (L. S.)
WILLIAM GRANT. (L. S.)
FRED. CAMPBELL. (L. S.)
REDESDALE. (L. S.)
GLENBERVIE. (L. S.)
JOHN LONDON. (L. S.)
CHARLES BATHURST. (L. S.)

Dated 23d March 1812.

Appendix (D.)

An Account of the Sums issued annually to the Commissioners, and disbursed by them in Remuneration of the several Persons employed under them; also of the Sums paid to His Majesty's Printers for printing the Works directed by the Commissioners, from 1801 to 1812, both Years inclusive.

ANNUAL EXPENDITURE.

Years.	Remunerations In England and Scotland.			Printing in England.			Printing in Scotland.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
1801	1,440	0	0	Nil.			Nil.		
1802	4,140	4	6	2,831	18	2	Nil.		
1803	3,246	9	0	Nil.			Nil.		
1804	2,338	15	6	Nil.			1,000	0	0
1805	3,147	7	10	1,767	15	10	Nil.		
1806	4,997	19	1	Nil.			Nil.		
1807	3,152	6	7	3,596	11	4	594	0	6
1808	5,847	9	7¼	4,348	4	4	Nil.		
1809	7,061	4	4	Nil.			Nil.		
1810	5,459	0	11	3,162	7	4	Nil.		
1811	7,247	7	4	5,826	8	8	1,865	5	5
1812	4,063	7	10	—			—		

Memorandum.—The Number and Names of the several Persons annually remunerated out of the Sums above-mentioned to have been annually advanced to the Commissioners will appear by the several Certificates contained in the preceding Appendix (C.) except as to Services in Scotland, which were executed by various Persons there, selected and superintended by Mr. Thomson, the Deputy Clerk Register of Scotland, of whose Employment an Account has been rendered to the Commissioners in each of his Quarterly Reports.

Extract of a Letter from Mr. Harrison of the Treasury, 29th April 1811, to the Secretary.

Sir,

The Lords Commissioners of His Majesty's Treasury having had under their Consideration the State of your Account, in respect to Sums issued to you between 1st September 1803 and 24th June 1809, to pay Rewards to the several Persons employed under the Direction of the Commissioners of Public Records, I am commanded by my Lords to acquaint you, that they are pleased to allow the same.

I am, Sir,
Your most obedient Servant,
GEO. HARRISON.

Treasury Chambers,
29th April 1811.

John Caley, Esq.

Appendix, (E. 1.)

Measures Executed in England and Scotland,

UNDER

The First and Second Record Commissions,

viz. of 19 July 1800, and 23 May 1806.

Appendix, (E. 1.)
Measures executed.

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.
	ENGLAND.	
	1. BUILDINGS.	
House of Commons: Paper Office.	Requires additional space, and accommodation for Papers daily accumulating.—Rep. Sel. Com. 9. 1803, Dec. Reported that this space is now provided by the orders of The present Speaker.	1803.
Chapter House.	To have a Building added to it, to serve as an Office for Inspection of the Records, &c.—Rep. Sel. Com. 9. 1800, July 22, Ordered.	1802.
Tower.	Nothing wanted, except some additional support to the Frame-work and Stages in the large Apartment adjoining to Cæsar's Chapel.—Rep. Sel. Com. 9. 1800, July 22, Ordered.	1801.
Lord Treasurer's Remembrancer's Office. Office of Commissioners of Public Accounts. Pipe Office, Somerset Place.	Effective measures should be adopted, without delay, to prevent the risk of Fire, and the destructive effect of Damp.—1800, July 22, Ordered.—1803, March 24, Reported complete, and the Records ordered to be removed there.—N.B. 1806. Grant by Parliament for securing the Repositories from damp. *Memorandum.*—The Records in the Lord Treasurer's Remembrancer's Office were, anterior to their being placed in their present Repository, in utter confusion, not a single Document of the two great branches of Records in the Office, namely, the Originalia and Memoranda, could without the greatest difficulty be found, and the expence to parties desirous of searching was so considerable, that no use whatever of these Records was made for several years; they are now deposited with the utmost regularity in places sufficiently light, and free from damp, and recent experience hath shewn that they may all be referred to with great facility.	1803.
State Paper Office, Scotland Yard.	Ought to be transferred from the present damp ruinous tenement, and lodged in some Public Building, fire-proof.—Rep. Sel. Com. 10. 1800, July 22, The Surveyor General of His Majesty's Works ordered to report, but no Report having been made—1810, Nov. 9, Application was made by The Record Commissioners, to the Lords of the Treasury, for the Office to be removed to the House at Whitehall hitherto used as the Office of Woods and Forests, but then about to be vacated.—Recommendation acceded to by the Treasury.	1811.
Offices of Clerk of the Crown, Petty Bag, and Examiners in Chancery.	Should be placed in some Building to be constructed at the public expence.—Rep. Sel. Com. 10. *Memorandum.*—In the Building erected for these Offices there is also accommodation for the Corporation of Cursitors.	1812.

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.
	ENGLAND—*continued.*	
	2. CALENDARS AND INDEXES.	
King's Bench.	An Index should be made to the Baga de Secretis.—Rep. Sel. Com. 11. 1800, July 22, Ordered.—Reported complete from 1478 to the present reign; and the Attainder Records placed in the Baga de Secretis.	1802.
King's Remembrancer's Office.	*Memorandum.*—The Searches in this Office, made under these Commissions, have restored to public knowledge a great number of valuable Records, consisting of Extents of Manors, Inquisitions, and Surveys of various kinds.	
Lord Treasurer's Remembrancer's Office.	*Memorandum.*—No less than 1587 rolls of Originalia and Memoranda were, antecedent to the arrangement of the Records of this Office, compressed into sacks piled upon each other, and consequently totally inaccessible; many important Records were also discovered when these sacks were emptied, viz. Pipe Rolls, Rolls of Nomina Villarum, Escheats, Surveys, &c. &c.	
Auditors of Land Revenue.	*Memorandum.*—This Office was, as far as concerned its antient Records, in the utmost confusion; most of the Papers are now arranged, and may be referred to.	
British Museum: Harleian MSS.	It would be desirable to have a revision and correction of this printed Catalogue.—Rep. Sel. Com. 12.	
	Memorandum.—This Catalogue has been revised and reprinted in 3 vols. and to the revised Catalogue is added a classed and an alphabetical Index. The like measure has been directed with respect to the Lansdowne MSS. purchased in 1807, comprehending the Papers of Lord Burghley, Sir Julius Cæsar, &c.	1808. 1811. 1812.
	3. TRANSFERS.	
Auditors of the Land Revenue.	A Transfer of the Ministers Accounts from this Office to the Augmentation Office would be useful.—Rep. Sel. Com. 13. 1800, July 22, Ordered.	1801.
Duchy Office, Cornwall.	Such Records in the Augmentation Office as relate to this Duchy to be removed thither.—1800, July 22, Ordered.	1801.
Duchy Office, Lancaster.	A similar Order.—1800, July 22.	1801.
Parish Registers.	A large proportion of Parishes in many Dioceses having neglected to transmit copies of them to the Diocesan or his Chancellor; ordered, that the Secretary do write in the name of the Board to the Archbishops of Canterbury and York, respectfully submitting the propriety of using such means as they shall judge expedient herein, to the end the same may faithfully be preserved in the Registry of the respective Bishops, according to the canon passed in 1603.—Letter written accordingly.	1800.
	4. PRINTING.	
	1. CALENDARS.	
Tower: Patent Rolls.	An Index to these Records should be printed.—Rep. Sel. Com. 14. 1800, July 22, Ordered.	1802.
Charter Rolls.	An Index to these Rolls should be printed.—Rep. Sel. Com. 14. 1800, July 22, Ordered.	1803.
Inquisitions ad quod Damnum.	*Memorandum.*—Not specifically mentioned in the Report of the Select Committee, but ordered to be printed by His Majesty's Commissioners at the end of the Charter Rolls.	1803.

Appendix, (E. 1.)
Measures executed.

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.
	ENGLAND—*continued.*	
	PRINTING—*continued.*	
Inquisitions Post Mortem.	The Chronological Indexes to these Records should be printed.—Rep. Sel. Com. 14. 1803, March 24, Ordered to be printed. Two volumes of these Indexes from Hen. 3. to end of Edw. 3. completed.	1808.
Lord Treasurer's Remembrancer's Office:	24 March 1804, Ordered, That Mr. Playford do proceed on the Abſtract to the Originalia, and the printing thereof.	1810.
Originalia.	*Memorandum.*—Two volumes of this Abstract from 20 Hen. 3. to the end of Edw. 3. completed.	
Chapter House, Westminster: Domesday.	There is an Index to Domesday, which should be enlarged and published, together with a title, &c.—Rep. Sel. Com. 14. 1800, July 22, Ordered.	1811.
Records of King's Bench and Common Pleas.	Calendars to the earliest Records of the Curia Regis and Court of King's Bench, viz. the former beginning with the Reign of Richard 1. and the latter from 1 Ed. 1. to 10 Hen. 5.; and Calendars to the Records of the Common Pleas, from 1 Ed. 1. to 18 Ed. 1.; ſhould be printed, together with an Index to the Placita Exercitûs, 24 Ed. 1.—Rep. Sel. Com. 14. 1800, July 22, Ordered to be printed.—1802, March 24, A Fac Simile of Records to be engraved. *Memorandum.*—This Work is closed with the end of Edw. 2.	1811.
	2. SELECTION of RECORDS and PAPERS.	
British Museum: Cottonian MSS.	Catalogue of Cottonian MSS. by Mr. Planta should be printed.—Rep. Sel. Com. 14. 1800, July 22, Ordered.	1802.
Exchequer: Pope Nicholas's Taxation.	Pope Nicholas's Taxation should be printed.—Rep. Sel. Com. 15. 1800, July 22, Ordered.	1802.
Exchequer: Testa de Nevill.	Table of Contents should be printed, with a specimen engraved from the original.—Rep. Sel. Com. 15. 1804, January 24, Ordered to be printed entire.	1807.
Nonæ Rolls.	A Calendar to these should be printed, and an Explanatory Account of them, and Specimens of some of the most complete in each Diocese.—Rep. Sel. Com. 15. 1800, Dec. 19, Ordered.	1808.
Tower and Chapter House: Hundred Rolls.	Lists thereof should be printed, with a Specimen engraved from the Original.—Rep. Sel. Com. 15. 1804, July 24, Ordered to be printed entire. The first volume of this Work, the Counties being arranged in alphabetical order, concludes with Norfolk; the rest will form a second volume.	1812.
First Fruit's Office: Ecclesiastical Survey. 26 Hen. 8.	1806, July 31, Ordered to be printed, with Maps of the several Dioceses. The first volume of this Work, comprehending Dioceses of Canterbury, Rochester, Bath and Wells, Bristol, Chichester, and London, is printed.	1811.
	5. STATUTES OF THE REALM.	
Tower, Chapter House, Rolls Chapel, Universities, Cathedrals, &c.	Many Statutes and Ordinances, recorded in the Rolls of Parliament and other Records, are not inserted in the printed Statute Books, which are only compilations by private hands. A complete and authentic edition of all the Statutes should be printed: In the prosecution of such a Work, it will be proper to consult the most antient and perfect Manuscript Copies preserved in the Exchequer, and the several Public Libraries of the Inns of Court, the Universities, the Cathedrals, and the British Museum.—Rep. Sel. Com. 16. 1800, Dec. 19, Order for printing a complete and authentic edition of the Statutes and Ordinances of the Realm, including every Law, as well those repealed or expired as those in force; together with a Chronological List of them, and Tables. The first volume of this Work, containing Preliminary Introduction, Charters of Liberties, and Statutes to the end of Edw. III. with engraved Copies of the Charters, and Specimens of the Statute Roll, is printed.	1811.

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.
	SCOTLAND.	
	1. REGULATION OF REGISTRIES.	
General Register House, and all other Record Offices in Scotland.	Upon the representation of the Commissioners, in concurrence with, and through the Lord Clerk Register, that important and extensive services might be rendered in aid of the purposes and establishment of the General Register House in Scotland, by the appointment of some Barrister of considerable standing and respectable for his character in legal knowledge, to act as Resident Deputy Clerk Register, with full powers to execute the various functions of his principal; the Lords Commissioners of the Treasury have been pleased to obtain His Majesty's authority for putting upon the civil establishment of Scotland, a salary of £500 a year, payable to such Deputy Clerk Register; and thereupon the Lord Clerk Register has, by commission under his hand and seal, appointed Thomas Thomson, Esquire, an Advocate of the Scottish Bar, of ten years standing and upwards, to be such deputy as a person eminently qualified for the discharge of the duties of such office, with an instruction contained in the said Commission, by which he is required to prepare regulations for the formation, custody, and transmission of Records and Registers, in the view of preventing the irregularities and defects which have heretofore prevailed; and annually to report his proceedings in the exercise of the said office, and transmit the same to the Lord Clerk Register for the time being, with a duplicate thereof, to be by him communicated to the Lords of Council and Session for their information.	1806.
	Since the date of his appointment the Deputy Clerk Register has made four successive annual reports, for the years 1807, 1808, 1809, 1810, and 1811, respectively, which have been presented to the Court of Session; and on the first, second, and third of which the Court have received Reports from Committees of their own number, and have approved thereof.	
	In pursuance of the suggestions in those and other Reports, by the Deputy Clerk Register, several Acts of Sederunt have been passed by the Lords of Session, for the better regulation of different Records; viz.	
	Feb. 13, 1807, An Act concerning the transmission of the General Minute Book of the Court of Session to His Majesty's General Register House.	1807.
	Dec. 1, 1807, An Act concerning the Transmission of the Books of Sederunt of the Court of Session to His Majesty's General Register House.	
	Feb. 11, 1808, An Act concerning the Register of the Great Seal.	1808.
	March 11, 1808, An Act concerning the transmission of the Registers of Tailzies and Inventories to His Majesty's General Register House.	
	March 11, 1808, An Act for regulating and enforcing the ingiving of complete and correct Record Copies of Papers printed and put into the Lords' Boxes for advising.	
	July 10, 1811, An Act concerning the Registration of Deeds, Probative Writs and Instruments of Protest in the Books of Council and Session.	1811.
	July 10, 1811, An Act concerning the Registers of Seisins, Reversions, &c.	
	July 10, 1811, An Act concerning the Registers of Hornings and of Inhibitions.	
	July 10, 1811, An Act concerning the Register of Abbreviates of Adjudications.	

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.

Appendix, (E. 1.)

Measures executed.

SCOTLAND—*continued.*

2. REGISTRATION.

Duplicates of all Deeds which pass the Great Seal of Scotland should be made and authenticated by the Lord Keeper's Deputy, with an Index thereto, and deposited annually in the General Repository at the General Register House. Rep. Sel. Com. 17.

A Record of all Decreets in the Sheriff's Court ought, according to the regulations enjoined by the Court of Session, to be made regularly and completely. Of the utility of executing this strictly, some doubts have been entertained; but there is no doubt of its being expedient to require, that an Annual Report, signed by the Sheriff Clerk, and attested by the Sheriff, of the state of the Records in the Sheriff's Court, should be made to the Court of Session, and there recorded in the Books of Sederunt. Rep. Sel. Com. 17.

The Record of Deeds in the Sheriff's Court should be entered in Books given out and marked by the Lord Clerk Register or his Deputies, as the Record of Hornings and Inhibitions now is; and no new Books should be given out, until the old are returned, with the Deeds recorded in them. Rep. Sel. Com. 17.

All Deeds regarding the heritable property within a Royal Burgh, should be recorded in the Town Court Books of the particular Burgh; and Deeds regarding matters of personal concern within the Burgh, should be recorded in the Town Court Books, or in the Sheriff Court Books. Rep. Sel. Com. 17.

No Deeds whatever should be recorded in the Commissary Courts; and although this practice has very generally obtained, it is irregular, and ought to be prevented in all cases for the time to come. Rep. Sel. Com. 17.

1806, May 7, Referred to Mr. Thomson, Deputy Clerk Register of Scotland, to report thereupon.

1806, September 16, Read Mr. Thomson's Answers to the Reference of May 7; and Ordered, that he do make a detailed Report upon the several matters above mentioned, and suggest the most effectual measures for remedying the existing defects.

1807, July 21, 25, 30, Read Mr. Thomson's Report, made in pursuance of the preceding Order; and Ordered, that certain measures therein recommended be referred to the consideration of the Lord President of the Court of Session, the Lord Advocate, the Lord Justice Clerk, and the Lord Chief Baron.

1808, March 25, Read the proceedings of the Great Law Officers in Scotland upon the matters referred to their consideration; also, Heads of a Bill for better regulating the Public Records of Scotland, prepared by the Deputy Clerk Register, in pursuance of the Orders of the Board, and transmitted as approved of by the Lord President of the Court of Session: Resolved, That the Lord Advocate of Scotland be requested to move for leave to bring in a Bill for effectuating the measures proposed therein.

Memorandum. This Bill was presented to the House of Commons in April 1808; but the measure was postponed till the following Session, when, with some alterations, this Bill was passed, May 12th 1809. It is 49 Geo. III. cap. 42. intituled, "An Act for better regulating the Public Records of "Scotland." The several measures which it authorizes have been since carried into effect.

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.
	SCOTLAND—*continued.*	
	3. BUILDINGS.	
Great Seal Office.	An apartment in the General Register House should be allowed to the Great Seal Office.—Rep. Sel. Com. 17.	
	1806, May 7, and Sept. 16, Referred to the Deputy Clerk Register to report thereupon.	The object of this Recommendation has been attained in a different mode, 1809.
	1807, July 21, Read his Report on this Article, and postponed the further consideration thereof till the proposed regulations concerning the Register of the Great Seal should be finally disposed of.	
	N. B. In consequence of the Regulations since established by Act of Sederunt of the Court of Session, Feb. 11, 1808, and by the Act 49 Geo. III. cap. 42. "for better regulating the Public Records of Scotland," sec. 15. the appropriation of an apartment in the General Register Office, to the Great Seal Office, has been rendered unnecessary.	
Court of Exchequer.	The Buildings occupied by this Court should be rendered more commodious and secure.—Rep. Sel. Com. 18.	Completed under a separate Commission, 1809.
	1806, Sept. 16, Referred to the Deputy Clerk Register to report thereupon.	
	1807, July 25, Reported to the Board, that the Measure was about to be executed under the authority of an Act of Parliament obtained for that purpose.	
	4. CATALOGUES, &c.	
General Register House.	It will be expedient to make an Inventory or Repertory to detached Charters and Proclamations.—Rep. Sel. Com. 18.	
Original Documents.	1806, Sept. 16, Referred to the Deputy Clerk Register to report thereupon.	Completed 1810.
	1807, July 25, Read his Report, stating that the Measure had been executed, in so far as the Original Documents alluded to had been discovered.	
	1811, Dec. 31, In the Annual Report of the Deputy Clerk Register for 1810, it is stated that other Original Documents had since been discovered, of which Inventories had been made.	
Admiralty.	An Index is wanting to such proceedings in this Court as are carried on to final sentence.—Rep. Sel. Com. 18.	
	1806, Sept. 16, The Deputy Clerk Register directed to report thereupon.	Executed 1808, and in the course of regular Progress for future years.
	1807, July 25, Read his Report, recommending that there be framed by the Clerks of the Admiralty Court a Chronological Table of Decrees, and that the Record of Decrees be bound in volumes. Recommended to the Judge of the Admiralty Court to give orders accordingly.	
	1808, March 25, Read letter from the Judge of the High Court of Admiralty, containing his official orders for carrying the above Measures into execution.	

Appendix, (E. 1.)
Measures executed.

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.
	SCOTLAND—*continued.*	
	5. TRANSFERS.	
General Register House. Transmissible Registers.	By Act of Parliament of Scotland, 1685, Ordained, that all the Clerks within the Kingdom deliver in their Registers to the General Register House every ten years.	Completed by Act of Parliament 1809.
	Proper now to be brought in every five years, except in special cases.—Rep. Sel. Com. 18.	
Great Seal.	The Warrants thereof, together with Duplicates of all Deeds which pass the Great Seal, and the Index to Decrees, should be carried in annually.—Rep. Sel. Com. 18.	
	1806, Sept. 16, Referred to the Deputy Clerk Register to report thereupon.	
	1807, July 25, Read the Report of the Deputy Clerk Register, recommending that the transmission of all those Classes of Records, which are periodically transmissible to the General Register House, should be made as soon as the Records are completed. Referred to the Great Law Officers of Scotland to consider of the expediency of this Measure, and the proper mode of carrying it into execution.	
	1808, March 25, Read Minutes of Proceedings of the Great Law Officers of Scotland, in which they approve of the Measure, and recommend that it be introduced by Act of Parliament.	
	N. B. The necessary Provisions for this purpose have been since included in the Act 49 Geo. III. cap. 42. "for better regulating the Public "Records of Scotland," and, in the Act 50 Geo. III. cap. 112. "for "abridging the Form of extracting Decrees of the Court of Session."	
Records of Teinds, and Records of Tailzies and of Inventories.	Should be carried in annually if possible, or within such period as the Court of Session may direct.—Rep. Sel. Com. 18.	Completed as to Records of Tailzies and of Inventories, 1808.
	1806, Sept. 16, Referred to the Deputy Clerk Register to report thereupon.	
	1807, July 25, Read his Report recommending the transference of these Records to the General Register House. Resolved, that it be recommended to the Lord Clerk Register, to present a Petition to the Lords Commissioners of Teinds respecting the Transfer of the Records of their Court to the General Register House, as suggested in this part of the Report; and that a like petition be presented to the Court of Session respecting the Records of Tailzies and Inventories.	
	1808, Nov. 25, Read the Proceedings of the Court of Session upon petition of the Lord Clerk Register, ordaining the Records of Tailzies and of Inventories already completed, to be immediately transmitted to the General Register House; and ordaining that those Registers shall hereafter be kept in books duly marked and issued by the Lord Clerk Register, and be transmissible accordingly.	

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.
	SCOTLAND—*continued.* TRANSFERS—*continued.*	
	1811, December 31, Upon farther consideration of the effects of the proposed measure, the transference of the Records of Teinds to the General Repository, has been judged inexpedient, and new and larger apartments in the buildings of the General Register House are now fitted up for their reception, and complete arrangement.	
Court of Justiciary.	The Records thereof should be transferred to the General Register House.—Rep. Sel. Com. 18.	
	In 1800, These were transferred to an apartment in the buildings of the General Register House,—and in Nov. 1811, were removed into another apartment completely fitted up for their reception and regular arrangement.	Completed 1800, and 1811.
Privy Council.	These in like manner should be transmitted into the General Register House.—Rep. Sel. Com. 18.	
	In 1800, These were transferred along with the Justiciary Records into an apartment in the General Register House,—and in Nov. 1811, were removed from the Justiciary Office into the General Repository in the General Register House, and deposited with the other Public Records of the Kingdom.	Completed 1811.
	6. FEES AND EMOLUMENTS, And Mode of making Extracts of Decreets in the Court of Session.	
	No decided opinion on this subject offered by the Committee, because it has engaged the attention of those persons whose station at the head of the Courts of Justice, enables them to form the most correct judgment, and who have had it in contemplation to propose some remedial Measures in Parliament.—Rep. Sel. Com. 18.	Completed as to the Fees of Record Officers in the Court of Session, 1810.
	By the Act of Parliament, 50 Geo. III. cap. 112. the form of extracting the Decrees in the Court of Session, and the fees connected therewith, have been altered and subjected to a new regulation.	
	No alteration has been made on the fees or forms of proceeding in the other Courts.	

APPENDIX (E. 1.)
Measures executed.

Appendix, (E. 2.)

Measures in Progress in England and Scotland, 1812.

Appendix, (E. 2.) Measures In Progress.

REPOSITORIES.	MEASURES RECOMMENDED, AND IN PROGRESS.
	ENGLAND.
	1. BUILDINGS.
Exchequer of Receipt, viz. Offices of Auditor, Tellers, Tally Court, and Pells.	Ought to be speedily rebuilt, and secured from the hazards of fire.—See Comm. Journ. Vol. xliv. p. 548. Rep. Sel. Com. 9, 10. *Memorandum.*—Under Consideration of the Lords of the Treasury for rebuilding them.
Auditors of Land Revenue.	The like Recommendation. *Ibid.* These Offices have been removed (for their present Accommodation) to a House at Whitehall.
The Herald's Office.	Requires to be removed into some Public Building, or to be made more secure from Fire.—Rep. Sel. Com. 10. 1807, Dec. 14, The Board having been memorialized hereupon by The College of Heralds, referred the Consideration thereof to the Commissioners for Improvements in Westminster.
First Fruits Office.	This Office is among the Class of Private Buildings, the Records thereof are exposed to very great danger, being lodged in private Chambers in the Temple, and the Officers non-resident; Of these Records, the principal of which is the Ecclesiastical Survey, made in the Twenty-sixth Year of Henry the Eighth, there are no Duplicates. N. B. It is now printing, and the First Volume is delivered with Maps of each Diocese accommodated to the Record. Referred to the Commissioners for Improvements in Westminster.
	2. CALENDARS AND INDEXES.
State Paper Office: Removal of Records from the House of Lords.	No Catalogue has yet been made of the Records formerly found there, and removed 1770, from the custody of the House of Lords to the Old State Paper Office; this latter defect may be now supplied by the Persons employed in the New Establishment.—Rep. Sel. Com. 12. 1800, July 22, Ordered. Calendars produced.
Chapter House, Westminster.	One-third part of the whole contents of this Repository is unprovided with detailed Calendars or Indexes, particularly Matters concerning Dissolved Monasteries, Proceedings of Star Chamber, Court of Wards and Liveries, and Court of Requests: The present Establishment of Officers, if constantly attending, may execute the most important Parts with sufficient Dispatch.—Rep. Sel. Com. 11. 1805, March 25. A general Examination of the unarranged Records ordered; as also that the Calendars and Indexes deficient, be completed. 1806, March 24. The Records in the Attic Room entirely arranged, and Progress made in sorting and indexing the other Records; viz. Placita Coronæ et Assizæ. Antient Deeds and Forest Proceedings.

REPOSITORIES.	MEASURES RECOMMENDED.
	ENGLAND—*continued.* 2. CALENDARS and INDEXES—*continued.*
	1807, March 25. County Bags of Placita Coronæ & Assizæ. Antient Deeds and Forest Procedings reported to be arranged for 23 Counties; reported also, that the Records entitled "Scotia," have been methodized and indexed. 1808, March 25. A general Inventory of all the Records made, County Bags of Placita Coronæ & Assizæ. Antient Deeds and Forest Proceedings arranged in Continuation to 35 Counties, some Progress made on an Abstract of the Quo Warranto Rolls. 1809, March 25. County Bags of Placita Coronæ & Assizæ; Antient Deeds and Forest Proceedings completely arranged for England and Wales; Star Chamber Proceedings arranged in better order; Progress made on the Quo Warranto Rolls. 1810, March 24. Divers Bags of Miscellaneous Records arranged; Progress also made on the Quo Warranto Rolls; and the Records of Fines (which were removed to this Office in June 1809 from the Prothonotaries Office in the Temple) have been arranged from the Reign of Edw. 6. to the End of George the Second; the earlier Fines remained to be done. 1811. The Quo Warranto Rolls abstracted for ten Counties: The Records of Fines removed to this Office in 1809 completely arranged; Progress made in the further Arrangement of the Bags containing Miscellaneous Records.
King's Remembrancer's Office.	A total Want of the necessary Calendars and Indexes to those Records which are arranged, Rep. Sel. Com. 12, 1800 July 22, Ordered, that Mr. Caley, Mr. Kirkby, and Mr. Vanderzee, do arrange, methodize, and index all the Records of the said Office. 1801, March 23. Many thousand Bills, Answers, and Depositions from Eliz. to Geo. 1. collated together and sorted, and the Special Commissions, Inquisitions Post Mortem, and Escheat Rolls collected, and made accessible to the Public, and an Index to the Books of Decrees from 1 to 10 Eliz. made. 1802, March 24. Index to Decrees and Orders in part done to 35 Eliz.; also several valuable Records newly discovered, viz. Nonæ Rolls, Extents, Inquisitions, and Surveys. 1806. Index to Decrees from 1 Eliz. to end Jac. 2. completed, from which time there is a regular Series of Office Calendars. Index to Orders completed for the Reign of Eliz. and first seven years of Jac. Further Proceedings suspended. 1807, March 23. Ordered, that Mr. Vanderzee do collect and arrange the Monastic Records in the said Office. 1809, March 25. Collected Extents of Knights Templars Possessions in England, Extents of Possessions of Alien Priories and Royal Abbies and Priories, as also of Ecclesiastical Possessions Vacante Sede, Copies of Royal Charters, and Hundred Rolls Somerset and Dorset. Transcribed P. Nich' Taxation for Ireland, Extents of Knights Templars Possession in Ireland, and Extents of Alien Priories in England. 1810, March 24. Collected and transcribed other Extents of Alien Priories, Possessions of Knights Templars, and Bishopricks Vacante Sede, and collected Transcripts of Inquisitions Post Mortem, from Edw. 3. to Eliz. both inclusive. 1811, March 25. Collected and transcribed Extents of Temporalties, of Abbies and Priories of Royal Foundation, Extents of Temporalties of Bishops, Accounts of Spiritualties and Temporalities, of Alien Priories, and Royal Charters in various Reigns, from Edw. 1. to Hen. 7. Arranged in Counties many of the Inquisitions Post Mortem, and proceeding with the remainder, and to make a Calendar of them.

Appendix, (E. 2.)
Measures in Progress.

REPOSITORIES.	MEASURES RECOMMENDED.
	ENGLAND—*continued.*
	2. CALENDARS and INDEXES—*continued.*
Lord Treasurer's Remembrancer's Office.	No regular or complete Inventory or Index has been made since the Restoration.—Particular Indexes have been compiled by Individuals, Rep. Sel. Com. 12. 1800, July 22. Ordered, that Mr. Caley and Mr. Playford do arrange, methodize, and index, all the Records of the said Office. 1801, March 23. The Memoranda and Originalia examined, and the Rolls repaired where necessary, and the arrangement nearly completed. 1806, Jan. 31. Memoranda (a volume of) ordered to be prepared, but not printed, until reported upon—Progress reported. 1807, March 25. Abstracts of the Memoranda proceeded upon from 1 John to 10 Hen. 3. 1808, March 25. Abstract of the Memoranda advanced to 30 Hen. 3. 1809, March 25. Abstract of Memoranda advanced to 37 Hen. 3. 1810, March 24. Abstract of Memoranda advanced to 46 Hen. 3. 1811, March 25. Abstract of Memoranda advanced to 2 Edw. 1.—Official Repertories to Originalia transcribed from 1 Hen. 8. to 11 Ja. 1.
Surveyor General of Crown Lands.	Some further Index to the Surveys, &c. would be useful, Rep. Sel. Com. 12. 1804, Jan. 31, Ordered—1806, May 22, Order repealed—again repealed—1812, Jan. 21, viz. requesting a state of the Indexes, and whether the same are complete, or in what progress they are towards completion.
Tower.	The Bills, Answers, Depositions, and other Chancery Proceedings, from the Reign of Elizabeth to 1714, here deposited, have no other Indexes than of the Names of Plaintiffs and Defendants, and it might be a Work of Utility, if an Index to the Names of Places, and a short Note of the subject Matter of each Suit were made—Commissions and Abstracts, &c. Public Records, 1807. P. 30. This is now doing, and the Index for the greatest part of the Reign of Elizabeth, is already made by the Clerks at the Tower.
	PRINTING.
	SELECTION OF RECORDS AND PAPERS.
Tower and Chapter House: Hundred Rolls.	Lists thereof should be printed, with a specimen engraved from the original.—Rep. Sel. Com. 15. 1804, Jan. 24. Ordered to be printed intire. The First Volume is already printed, and the Counties not included in the First will form a Second Volume.
First Fruits Office: Ecclesiastical Survey, 26 Hen. 8.	1806, Jan. 31. Ordered to be transcribed and printed. *Memorandum.*—The First Volume of this Work is printed, with Maps, and a Second is in the Press.
Reports made by Committees of either House of Parliament.	To be selected and printed, and the same reasons which induced the House of Commons to order a selection of its own Reports to be printed in 1773, may render it proper to continue the series.—Rep. Sel. Com. 17. 1800, Dec. 19. Ordered, that The Speaker be requested to take into his consideration, whether it may be expedient to have any selection made of Reports from Committees of the House of Commons which are not inserted in the Journals, as a supplement to those ordered to be printed in 1773, and a continuation thereof to the Union of Great Britain and Ireland. *Memorandum.*—This Work is now printing in consequence of a Report of the House of Commons, August 1803.

REPOSITORIES.	MEASURES RECOMMENDED
	ENGLAND—*continued.*
	SELECTION of RECORDS and PAPERS—*continued.*
Rotuli Scotiæ, in the Tower of London.	1807, Dec. 16. Ordered to be transcribed and put to Press as soon as possible. 1808, March 25. This Work is now preparing for Press. 1809, March 25. Of this Work 156 Pages are printed. 1810, March 25. Advanced in the Press from p. 156 to p. 336. 1811, March 25. Advanced in the Press from p. 336 to p. 508.
Rymer's Fœdera.	The State Papers published here, form a most valuable Collection; they commence from the reign of Henry the First, 1154, but do not come down lower in date than the first six years of Charles the Second. It is desirable to have this Work completed by a Supplementary Selection of such other important Papers as were omitted by the original compilers, and to continue it to the Revolution, or even to the Accession of the House of Hanover.—Rep. Sel. Com. 17. 1800, July 22. Ordered, that the Secretary do write to The Keeper of Records, Tower, to The Keeper of Records, Chapter House, to The Keeper of Records, Rolls Chapel, to The Keeper of the State Paper Office, to The Keeper of the Records, Privy Council, and the Clerks of the Signet, to consider and report to this Board, of a proper selection of Records, Instruments, and State Papers in their custody, to form a Supplement to Rymer's Fœdera, during the period of time which that Work comprehends; and also of a selection to form a continuation of that Work to the Accession of George the Second. 1803, March 24. The Keeper of the Records at the Rolls Chapel reported, that the selections were finished. N. B.—Returns from Chapter House and State Paper Office remain to be sent in. From the Privy Council and Clerk of the Signet Mr. Topham reported, that no return could be obtained. 1808, March 25. Ordered, that Adam Clarke, LL D. do make a scheme for the first volume of Supplement to Rymer, and to a first volume of Continuation thereto. 1810, March 24, Dr. Clarke's Scheme or Plan being submitted to the Board, Ordered, that he do forthwith prepare Materials for a first volume of a New Edition of Rymer, according to the said Plan; and that when the same shall be collected and arranged, with a descriptive Table of its Contents, the entire Manuscript be submitted to the Commissioners, for examination by them, before it is committed to the press; and that Dr. Clarke be also desired to propose a Plan for carrying on the continuation concurrently.
	STATUTES of the REALM.
Tower, Chapter House, Rolls Chapel, Universities, Cathedrals, &c.	Many Statutes and Ordinances recorded in the Rolls of Parliament, and other Records, are not inserted in the Printed Statute Books, which are only Compilations by private hands. A complete and authentic Edition of all the Statutes should be printed. In the prosecution of such a Work, it will be proper to consult the most antient and perfect Manuscript Copies preserved in the Exchequer, and the several Public Libraries of the Inns of Court, the Universities, the Cathedrals, and the British Museum.—Rep. Sel. Com. 16. 1800, Dec. 19. Order for printing a complete and authentic Edition of the Statutes and Ordinances of the Realm, including every Law, as well those repealed or expired as those in force, together with a Chronological List of them, and Tables. *Memorandum.*—The First Volume of this Work has been printed, and the Second and Third Volumes are now printing concurrently.

REPOSITORIES.	MEAUSRES RECOMMENDED.
Appendix, (E. 2.) Measures In Progress.	**SCOTLAND.**
	1. BUILDINGS.
Sheriffs Offices.	About one fourth of the Sheriffs Offices, public property, the rest in private houses: All should be lodged in public buildings, secured from damp and fire; and it would be productive of great accommodation to individuals, if the Records of each County were collectively lodged in one place. Rep. Sel. Com. 18. 1806, May 7, and Sept. 16. Deputy Clerk Register directed to report thereupon. 1807, July 25. Read his Report on this Article, and referred to the Lord Advocate to consider of proposing a Bill to Parliament for the purpose of accomplishing the measure therein recommended. 1808, March 25. Read Letter from the Lord Advocate, (dated March 15, 1808), stating reasons for postponing the measure until the enquiries and proposed measures relative to the custody of Local Registries should be completed. 1811, June 20. Read Mr. Thomson's Thirteenth Quarterly Report, in which the propriety of resuming the measure is urgently recommended. Ordered, that the Lord Advocate be requested to give instructions to the Deputy Clerk Register for preparing the Draft of such a Bill, to be submitted to Parliament in the next Session, as may provide more effectually for the secure preservation of the County Records in Public Buildings.
	2. CATALOGUES AND ABRIDGMENTS.
General Register House, Edinburgh.	At the General Register House, Edinburgh, it will be proper to make a General Repertory of its whole contents. 1806, May 7th. and Sep. 16. Referred to Deputy Clerk Register to report thereupon. 1807, July 25. Read his Report.—Ordered,—1, As a preliminary Measure, that the decayed volumes of Record, be re-bound.—2. That the plan of a Press Catalogue exhibiting the contents of each apartment be prepared by the Deputy Clerk Register.—3. A General Repertory systematically arranged to be framed under his direction. N. B. Since the date of this Order, the repairing and rebinding of decayed Records has been in constant progress, of which the details have been given in seventeen quarterly Reports by Mr. Thomson. 1809, March.—Reported that the General Repertory had been completed, and that the Press Catalogue was begun, and in progress. 1809.—Sept.—The completion of the Press Catalogue suspended in consequence of the operation of rebinding decayed volumes of Record still in progress, by which the bulk of the volumes is greatly diminished, and their consequent arrangement materially affected. 1811, Dec. 31. The completion of the Press Catalogue still suspended by the continued operation of rebinding the Records.

REPOSITORIES.	MEASURES RECOMMENDED.
	SCOTLAND—*continued.* CATALOGUES and ABRIDGMENTS—*continued.*
Great Seal Records.	It will also be expedient to make an Index to the Records of the Great Seal. Rep. Sel. Com. 18. 1806, May 7. Upon the Report from the Deputy Clerk Register, relative to the collection and abridgment of Royal Charters.—Ordered, that there be prepared a concise abstract of all the Royal Charters of Scotland which exist, whether on the Public Record or otherwise. 1807, July 25. Upon further Report by the Deputy Clerk Register, relative to the Index to the Records of the Great Seal,—Resolved, that he do proceed upon the matters therein stated, and specify his progress in his quarterly Reports. N. B.—From the date of these Orders, till the beginning of 1811, the formation of the Abstract of Charters, retarded by the pressure of other operations, particularly those relative to the Collation, Transcription and Printing of Ancient Royal Charters, in pursuance of other Orders of the Board. 1811, Dec. 31. Regular progress stated by Mr. Thomson in the successive quarterly Reports of the preceding year.
Exchequer.	An Index should be made to the Book of Decrees and Orders of the King's Remembrancer, for the purpose of supplying the loss of one removed from thence in 1767.—Rep. Sel. Com. 18. 1806, Sept. 16. Referred to the Deputy Clerk Register to report thereupon. 1807, July 25. Read his Report, and resolved that the Barons of Exchequer in Scotland, be requested to take the same into their Consideration, and communicate to this Board what Measures their Lordships shall adopt thereupon. 1809, Feb. 3. The Barons recommend that an Index to the Minute Book of Judicial Proceedings be made, instead of an Index to the Books of Orders and Decrees of the Court. 1811, Dec. 31. No farther proceedings have taken place.
High Court of Justiciary.	An Index is wanting to these Records.—Rep. Sel. Com. 1806, Sept. 16. The Deputy Clerk Register directed to report thereupon. 1807, July 25. Read his Report, recommending, (1) The repairing and rebinding of the more ancient of these Records, and the transcription of some of the earlier Volumes; and, (2) The compilation of triple Indexes, at least from the institution of the present Court in 1672; First, of *Persons*; Secondly, of *Trials* systematically arranged; and, Thirdly, of *Points of Law*, discussed and determined.—Ordered, that the former Measures be executed under the direction of the Deputy Clerk Register; and, as to the latter, that he communicate with the Lord Justice Clerk, and obtain his recommendation of a person properly qualified to execute the Work proposed, and that he do proceed to the execution thereof. 1811, Dec. 31. With the concurrence of the Lord Justice Clerk, several attempts have been made to engage a fit person to execute the proposed Indexes, but hitherto without success. In the mean time, the two most ancient Volumes of Records have been transcribed, and the whole of the Justiciary Records have been lately removed into a new apartment, and systematically arranged, in the view of being rebound in a complete and uniform manner.
Chancery Office.	In addition to the measures of this class, recommended by the Select Committee of the House of Commons, the Commissioners took into their Consideration, the best means of compiling and publishing a general Index of Reference to the Register of the Retours of Services, analogous to the Abridgment of the "Inquisitiones Post Mortem" in England. 1805, April 7. Referred to Mr. Thomson to report upon a plan for that purpose.

REPOSITORIES.	MEASURES RECOMMENDED.
Appendix, (E. 2.) Measures In Progress.	SCOTLAND—*continued.*
	CATALOGUES and ABRIDGMENTS—*continued.*
	1805, July 12. Approved of a plan for an abridgment of the Record of Retours, communicated by Mr. Thomson, May 9, and ordered to be carried into execution.
	1807, July 31. Progress reported, and further details given by Mr. Thomson as to the arrangement and printing of the Work, approved and ordered to be carried into execution without delay.
	1807—1810. Progress in compiling and printing stated in Mr. Thomson's Quarterly Reports.
	1811, April 1. The Abridgment of the Record of Retours from its commencement, 1547, to the end of the Seventeenth Century, completed at the press in two Volumes in Folio, and a Supplement from Originals in Chancery, not recorded, together with Indexes of Names and Places to be added.—Fourteenth Quarterly Report.
	1811, May 21. Ordered that the two Volumes be immediately published, and that the Supplement and Indexes be proceeded on with the utmost dispatch.
	1811, Dec. 31. Continued progress in the preparation of the Supplement, &c.; reported in the 15th, 16th, and 17th Quarterly Reports.
General Register House.	The Commissioners have also been led to consider of the propriety of framing and printing an Abridgement of the Register of Tailzies from its commencement in 1685, to the present time, according to a plan proposed by the Deputy Clerk Register.
	1809, January. The execution of the Work begun, and progress stated in Quarterly Reports.
	1811, April. The completion of the Abridgement stated in the 14th Quarterly Report.
	1811, Dec. 31. The printing of this Work has been delayed till it should be carefully revised by the Deputy Clerk Register, assisted by some intelligent Members of the Society of Writers to the Signet.
	3. TRANSFERS.
General Register House, Edinburgh: Removal of Proceedings on Special Commissions for High Treason.	These and all other Records now lodged in His Majesty's Offices of Record in England, exclusively regarding the internal Policy and Laws of Scotland, should be transferred to the General Register House. Rep. Sel. Com. 1800.—1800, Dec. 19.
	Ordered to be transferred from the Crown Office King's Bench, to the General Register House Edinburgh, 1811, Dec. 31. This order has not yet been obeyed.
	4. PRINTING.
General Register House: Records of the Parliament of Scotland.	These, which commence in the Thirteenth Century, and are complete to the time of the Union, appear to deserve publication. Rep. Sel. Com. 18.
	1800, July 22, Ordered that the Secretary do write to the Lord Clerk Register of Scotland, to request his Lordship to cause the Parliamentary Records of Scotland to be immediately printed.
	1801—1803, Progress reported.
	1804, Dec. 14, Upon a representation made by the Lord President of the Court of Session, the Lord Chief Baron, and the Lord Advocate, now Lord Justice Clerk, of the many Imperfections in the Plan of this Work, as hitherto conducted, the Publication of it was ordered to be laid aside.

REPOSITORIES.	MEASURES RECOMMENDED.
	SCOTLAND—*continued.* 4. PRINTING—*continued.*
	And upon the recommendation of the same persons, Thomas Thomson Esq. was appointed Sub-Commissioner for Scotland, and desired to report a plan for the Scottish Statutes, &c.
	1805. Various Communications from Mr. Thomson on the Progress of his Inquiries, preparatory to a regular plan for the Publication of the Parliamentary Records of Scotland.
	1806. Read Communication to the Board by Mr. Thomson, stating the nature of his plan, for a complete Compilation of all the existing Acts and Proceedings of Parliament, from the earliest æra of Record to the Union in 1707.
	1806, May 7. Mr. Thomson directed to come to London during the ensuing Autumn vacation of the Court of Session, to examine and collate such Manuscripts in the British Museum, as contain any remains of the Ancient Statutes of Scotland, and ordered to report the Progress of his Collections.
	1807. Progress reported in transcribing Parliamentary Records.
	1807, Dec. 16th. Read Report of Proceedings of the Lord Clerk Register, and Lord President, Lord Advocate, Lord Justice Clerk, and Lord Chief Baron, at Edinburgh, October 20 and 23 1807; stating that Mr. Thomson, Deputy Clerk Register, having stated to this Meeting his Plan for the Publication of these Records; Resolved, on full Consideration of the Subject, that it will be expedient that the Publication of the Records of Parliament should commence with the Reign of James the First, and be carried on progressively without delay, and that it should be divided into two separate series, the Statutes and all other Proceedings held in full Parliament to form one of these, and the Judicial Proceedings in Private Civil Causes held before Committees of different kinds, to form a separate series; the first of these to be printed as the Second Volume, or the second part of a First Volume, in order to leave room in the series of Volumes for the more antient Parliamentary Proceedings prior to the Reign of James the First, of which the complete Compilation is not yet ready for Publication.
	1808, Dec. 12. At a meeting of the Great Law Officers of Scotland, Progress in compiling, collating, and transcribing, reported by the Deputy Clerk Register, and the delay in beginning to print, stated to have been occasioned by the preparatory operations of the Printer.
	1809, Dec. 31. Progress reported. The printing of the *Acta Dominorum Auditorum in Parliamento*, completed;—206 Pages. The Contemporaneus *Acta Dominorum Concilij*, forming a Supplement to the former, in Progress;—32 Pages. The *Acta Parliamentorum, Jacobi I.* also in Progress at the Press. The Transcription of the Parliamentary Records in rapid Progress.
	1810, Dec. 31. Progress reported. The *Acta Dominorum Concilij* advanced in Printing to page 348. The *Acta Parliamentorum Jacobi I.* finished at the Press. Transcription of Parliamentary Records far advanced in Progress.
	1811, Dec. 31. Progress reported. *Acta Dominorum Concilij*, contemporaneous with the *Acta Dominorum Auditorum* completed at Press,—375 pages. The *Acta Parliamentorum* in the Reigns of James I. II. III. IV. and part of those of James V. finished at the Press,—324 pages.
Royal Charters.	The earliest of these it might also be expedient to print.—Rep. Sel. Com.
	1806, May 7. Mr. Thomson directed to report concerning such Royal Charters of Scotland, as it will be expedient to have printed.
	1807, 1808. Progress reported in the transcription of the Twelve Rolls, and first Book of Ancient Charters, and the printing of the first Roll, and part of the first Book,—28 pages.
	1809, Dec. 31. Progress reported. Printing of the Twelve Rolls, and first Book nearly completed,—256 pages. Plans of further Collections, supplementary to this Volume, reported by Mr. Thomson.
	1810, June 15. Ordered that Mr. Thomson proceed in making applications and searches for Ancient Royal Charters.
	1811, Dec. 31. Progress reported in the formation of these Collections.

Appendix (E. 3.)

Measures Postponed.

REPOSITORIES.	MEASURES RECOMMENDED.
	ENGLAND.
	I. CALENDARS AND INDEXES.
Common Pleas.	Alphabetical Indexes to the Docket Rolls are much wanted, but it would require a great length of time, and very considerable extra assistance to supply the defect.—Rep. Sel. Com. 12.
	1800, July 22. Ordered.—1801, March 23, Some progress made herein for the reign of Henry the Eighth, but the Work appearing laborious and expensive beyond its immediate utility, it has been postponed.
Exchequer of Receipt: Pell Office.	The Pell Office cannot be examined or arranged without much help; postponed for like reasons.
Auditors of the Land Revenue.	Much already done; some further assistance necessary, amongst the rest a General Index for each Division of Inrolments.—Rep. Sel. Com. 12.
	1800, July 22. Ordered. that Mr. Caley, Mr. Richards, and Mr. Fearnside, do arrange, methodize, and index the Records of this Office.
	1802, March 24. Suspended owing to the death of Mr. Fearnside.
Augmentation Office.	A number of Bags of Records to which there are no Calendars.—Rep. Sel. Com. 12.
	The making of Calendars to these Bags not thought at present necessary, and therefore postponed.
British Museum.	It would be desirable to have a separate Catalogue, digested under proper Heads, comprizing all the Public Records and Papers of State in the several Parts of this Library.—Postponed on account of the classed Catalogues and Indexes already made or now making, which (it is conceived) may supersede the necessity of the measure above proposed.
	II. PRINTING.
	1. OF CALENDARS AND INDEXES.
Tower: Close Rolls.	An Index to these Rolls should be printed.
	1800, July 22, Ordered.—But, 1804, March 24, after much labour bestowed, the Office Calendar was not found to be sufficiently complete or correct for publication.
Inquisitions Post Mortem.	The Chronological Indexes to these Records should be printed.—Rep. Sel. Com. 14.
	1803, March 24. Ordered to be printed.
	1808, March 25. Two Volumes of the Work have been printed, and the printing of the remainder is for the present suspended.

REPOSITORIES.	MEASURES RECOMMENDED.
	ENGLAND—*continued.*
	PRINTING—*continued.*
Rolls Chapel.	The following Indexes should be printed: 1. Office Index to Charter, Patent, and Confirmation Rolls, together with the Fine Rolls. 2. Index to Private Selections from the Close Rolls. 3. Officer's Private Indexes to the Liveries. 4. Office Index to the Escheats (Names of Persons) Cardinal's Bundle and *Parliament Returns. 5. Officer's Private Indexes (of Places) to Inquisitions Post Mortem, in continuation to those at the Tower.—Rep. Sel. Com. 14. *Memorandum.*—The previous purchase of the Private Indexes remains to be arranged.
Augmentation Office.	The Indexes deserving publication are those to the Conventual Leases, Crown Leases, and Deeds of Purchase and Exchange.—Rep. Sel. Com. 14. Postponed as not being urgent on account of its immediate utility.
Duchy Office, Lancaster.	The Index to the Inquisitions Post Mortem, beginning 1 Hen. V. should be printed, in continuation of the same Indexes at the Tower and Rolls Chapel.—Rep. Sel. Com. 14. Postponed until those at the Tower and Rolls are completed.
	2. SELECTION OF RECORDS AND PAPERS.
Lord Treasurer's Remembrancer's Office and British Museum: Nomina Villarum.	Should be printed in its entire form with a specimen engraved from the Original.—Rep. Sel. Com. 15. 1804, Dec. 14. Ordered to be transcribed and printed. *Memorandum.*—The Transcript has been made, but the printing of these and the following Works is postponed until other Works of greater utility are complete.
Judicial Proceedings: Placita Forestæ. Special Judgments: Common Law.	Of these it might be useful to print One General Catalogue.—Rep. Sel. Com. 16. It would be desirable to print Lord Hale's Selections from his MSS. in Lincoln's Inn, or the Abstract in the Chapter House, or the Book mentioned in the Return, from the Society of the Middle Temple, should be printed.—Rep. Sel. Com. 16.
Year Books.	The Series from Edw. I. to Hen. VIII. should be completed by printing those which are unpublished, and the whole reprinted, with a General Index.—Rep. Sel. Com. 16.
Systematic and uniform Edition of antient Law Writers.	This might be given from more perfect MSS. than those hitherto published.—Rep. Sel. Com. 16.
Red Book, Exchequer.	It would be proper to print the Ordinationes Scaccarij.—Rep. Sel. Com. 16.
	SCOTLAND.
	REGISTRATION OF JUSTICIARY COURT PROCEEDINGS.
Justiciary Office.	A Record of the Proceedings in the Circuit Court of Justiciary should be made in the same manner as the Books of Adjournal of the High Court of Justiciary at Edinburgh, and deposited in the General Repository annually if possible, or within such other period, as the High Court of Justiciary may direct.—Rep. Sel. Com. 17. 1806, May 7. Referred to Deputy Clerk Register to report thereon. 1806, Sept. 16. Ordered, that he make a more detailed Report upon the matters above mentioned. 1807, July 21. Read his Report on this Article, and referred the same to the Lord Justice Clerk, and other Lords of Justiciary, for their approbation of the measures herein suggested; whereupon the Board will make application to the Lords of the Treasury, for defraying any necessary expence which may be incidental thereto. 1808, March 25. Read Letter from the Lord Justice Clerk, (dated Feb. 2, 1808), approving of the several measures recommended in the Deputy Clerk Register's Reports, for the improvement and better regulation of the Justiciary Records. 1811, December 31.—Farther Proceedings have been postponed till a permanent fund has been procured for carrying the proposed measures into execution.

Appendix, (E. 4.)

Measures recommended, but not within the Powers of the Commissioners.

Appendix, (E. 4.) Measures not within the Powers of the Commissioners

REPOSITORIES.	MEASURES RECOMMENDED.
	1. BUILDINGS.
Exchequer Offices; viz. King's Remem. Office, and Clerk of the Pleas.	Ought to be rebuilt, and secured from the hazard of fire.—Rep. Sel. Com. 10.
Registrar of Affidavits, and Clerk of Dispensations and Faculties.	Should be placed in some building, to be constructed at the Public expense, nearer to the other Chancery Offices.—Rep. Sel. Com. 10.
The Courts of Common Law.	Stand in need of the same accommodation for the Judges and their Officers.—Rep. Sel. Com. 10.
The Clerks of Assize.	The Clerks of Assize (except for the Northern Circuit) keep all their Records in their private Houses, in consequence whereof, many of them have been dispersed and lost; a public building should be provided in London, for preserving all their Records antecedent to a certain period.—Rep. Sel. Com. 10.
The Clerks of the Peace.	Twenty out of fifty-two in England and Wales, have offices built at public expense, the rest should have the like.—Rep. Sel. Com. 12.
County Registry for Middlesex.	Should be placed in some repository more effectually secured from fire.—Rep. Sel. Com. 10.
Ecclesiastical Courts.	The Wills and Proceedings of these Courts should every where be placed in perfect safety. N. B. The Record Office in Doctors Commons, London, for the Prerogative Court of Canterbury, is an excellent model.
	2. CALENDARS AND INDEXES.
	Calendars and Indexes which are private Property, should be purchased for the Publick Use, and appropriated to the respective Offices to which they relate.—Rep. Sel. Com. 11.
Clerks of the Peace.	They have in general no Calendars or Indexes to the Records belonging to their Offices; most of them think them unnecessary, others strongly recommend the Measure. The Select Committee think it desirable that it should be done as to certain Articles; viz. Inclosures, Roads, Bridges, Gaols, and other County Works.—Rep. Sel. Com. 11.
	3. ESTABLISHMENT AND DUTIES OF OFFICE.
Lord Treasurer's Remembrancer's Office, Somerset Place.	Where no person is specifically intrusted with the Custody and Arrangement of the Records which belong to any Office of great public concern, such an Officer should be appointed; an instance of this defect occurs in the Lord Treasurer's Remembrancer's Office, since the transfer of the Office from Westminster.—Rep. Sel. Com. 13.
Rolls Chapel and Augmentation Office.	Where there is an Officer who has no salary, and his whole compensation is derived from fees, he should be remunerated in part by salary and in part by fees, to be regulated on a moderate and fixed scale. There will be an additional reason for such an arrangement, whenever the Private Indexes of these Officers are purchased by the publick. An instance of this sort occurs in the Offices of Keeper of Records in the Rolls Chapel, and in the Augmentation Office.—Rep. Sel. Com. 13.

Appendix (F. 1.)

Account of the Publication of the Calendar of the Inquisitions Post Mortem.

APPENDIX, (F. 1.)

Calendarium Inquisitionum Post Mortem. 2 Hen. III. 3 Ric. III.

THE Records preserved in the Tower of London, entitled, INQUISITIONES POST MORTEM, or as they are sometimes called ESCHEATS, commence with the early Part of the Reign of Henry the Third, and end with the Third Year of Richard the Third.

Of the Nature of these Records the following Account was given by the late Thomas Astle Esquire, Keeper of the Records in the Tower, in his Return to the Order of the Select Committee of the House of Commons, appointed to enquire into the State of the Public Records of the Kingdom, printed in the Reports thereupon made p. 54. viz.

" These Records are preserved in Bundles, chronologically arranged; they were taken by virtue of Writs, " directed to the Escheators of each County or District, to summon a Jury on Oath, who were to enquire what " Lands any Person died seized of, and by what Rents or Services the same were held, and who was the next " Heir, and of what Age the Heir was, that the King might be informed of his Right of Escheat or Wardſhip: " They also ſhew whether the Tenant was attainted of Treason, or was an Alien, in either of which Cases they " were seized into the King's Hands; they likewise ſhew the Quantity, Quality, and Value of the Lands of which " each Tenant died seized, &c. and they are the best Evidences of the Descents of Families and of Property."

The Calendar to these Records, now publiſhed in Two Volumes, is a Transcript of the official Calendars, revised and corrected with the Originals by Mr. Robert Lemon, Chief Clerk in the Tower. The First Volume commences with the Second Year of King Henry the Third; and the Second concludes with the End of the Reign of Edward the Third. An Index Locorum and an Index Nominum are subjoined to each Volume.

JOHN CALEY,
Sub-Commissioner.

Appendix (F. 2.)

Account of the Publication of the Calendars of the Charter Rolls and of the Inquisitions ad quod Damnum.

APPENDIX, (F. 2.)

Calendarium Rotulorum Chartarum 1 Johann. 23 Edw. IV.

Inquisitionum ad Quod Damnum. 1 Edw. VI. 38 Hen. VI.

THE CHARTER ROLLS in the Tower of London begin in the First Year of the Reign of King John, 1199, and end with the Reign of Edward the Fourth, 1483. Their Contents are thus described in the Return made by Thomas Aſtle Esquire, Keeper of the Records in the Tower, to the Order of the Select Committee of the House of Commons, and printed in the Reports thereon, Page 53; " They contain Royal Grants of Privileges to Cities, Towns, Bodies Corporate, and private Trading Companies belonging to those Cities and Towns; Grants of Markets, Fairs, and Free Warrens; Grants of Creation of Nobility, from the Eleventh Year of the Reign of Edward the Second, to the End of the Reign of Edward the Fourth; Grants of Privileges to Religious Houses, &c."

The Calendar to the Charter Rolls is printed from Three Volumes preserved in the Record Office, apparently written in the Time of James the Firſt, and constitutes the First Part of this printed Volume.

The INQUISITIONES AD QUOD DAMNUM commence with the Firſt Year of the Reign of Edward the Second, 1307, and end with the Thirty-eighth Year of Henry the Sixth. These Records are in the above Return described thus; " They were taken by virtue of Writs directed to the Escheator of each County; when any Grant of a Market, Fair, or other Privilege or Licence of Alienation of Lands was solicited, to inquire by a Jury whether such Grant or Alienation was prejudicial to the King or to others, in case the same ſhould be made."

The Calendar to the Inquisitiones ad quod Damnum, is printed from one lately made by Mr. Robert Lemon, Chief Clerk in the Office, under the Direction of Thomas Astle Esquire, and constitutes the Second Part of this printed Volume. Two Sets of Indexes, Locorum et Nominum, as applicable to the separate Parts of the Volume, are subjoined to the Whole.

JOHN CALEY,
Sub-Commissioner.

Appendix (F. 3.)

Account of the Publication of the Calendar of the Patent Rolls.

APPENDIX, (F. 3.)

Calendarium Rotulorum Patentium. 3 Johann. 23 Edw. IV.

THE PATENT ROLLS in the Tower of London commence in the Third Year of the Reign of King John, and end in the Twenty-third Year of that of Edward the Fourth. They are described by Thomas Astle Esquire, Keeper of the Records there, in his Return, printed in the Reports from the Select Committee appointed to inquire into the State of the Public Records of the Kingdom, &c. Page 53, thus; "They contain Grants of Offices and Lands—Restitutions of Temporalties to Bishops, Abbots, and other Ecclesiastical Persons—Confirmations of Grants made to Bodies Corporate as well Ecclesiastical as Civil—Grants in Fee Farm—Special Liveries—Grants of Offices special and general—Patents of Creations of Peers and Licences of all Kinds which pass the Great Seal; and on the Backs of these Rolls are Commissions to Justices of the Peace, of Sewers, and all Commissions (indeed) which pass the Great Seal."

The Calendar to these Rolls now published, is printed from Four Manuscript Volumes procured in the Year 1775, by Mr. Astle, for Public Use, from the Executors of Henry Rooke Esquire, collated with Two Manuscripts in the Cottonian Library in the British Museum, marked Titus C. II. & III.

Many Omissions and Deficiencies in the Tower Copy have been supplied by that in the Museum, which seems to have been compiled in the Reign of James the First, from the Records themselves, by some experienced Clerk, who has selected from them what appeared to him most useful and interesting.

It may be proper to observe, that as this Calendar, though entitled to great Merit, is only a Selection, various Entries appear on the Patent Rolls which are not here described; and therefore, though this Work will be found to yield much important Information, no one is to be deterred from an Examination of any Record referred to elsewhere, as being on the Patent Roll, because it is not to be discovered here. An Index Rerum, an Index Locorum, and an Index Nominum are subjoined.

JOHN CALEY,
Sub-Commissioner.

Appendix (F. 4.)

Account of the Publication of the Abstract of the Exchequer Rolls called Originalia.

APPENDIX, (F. 4.)

Rotulorum Originalium Abbreviatio. 20 Hen. III. 51 Edw. III.

THE general Nature of the Records of the Court of Exchequer, called ORIGINALIA, in the Lord Treasurer's Remembrancer's Office, was thus stated by the Right Honourable Sir Richard Heron Baronet in his Return, printed in the Reports from the Select Committee appointed to inquire into the State of the Public Records of the Kingdom, &c. Page 155; "The Originalia are the Estreats transmitted from the Court of Chancery into this "Office, of all Grants of the Crown inrolled on the Patent and other Rolls, whereon any Rent is reserved, any "Salary payable, or any Service to be performed, which Estreats commence about the Beginning of the Reign "of Henry the Third, and are continued to a late Period."

The Abstract, now published, in Two Volumes, commences with the Roll of the Twentieth Year of King Henry the Third, no earlier Record of this Nature being discoverable, and concludes with the End of the Reign of Edward the Third. It has been compiled from a careful Examination of the Office Repertories with the Records themselves; the former, though of considerable Use, having been found not deserving of implicit Reliance. An Index Rerum, an Index Locorum, and an Index Nominum are subjoined to each Volume.

JOHN CALEY,
Sub-Commissioner.

28 Hen 3.

1 Edw 1.

11 Edw 2.

Appendix (F. 5.)

Account of the Formation, Contents, and Catalogues of the Collection of Cottonian MSS.

THE high Estimation in which the Cottonian Library has ever been held by all Persons competent to appreciate its Value, is amply evinced, not only by the Multitude of Testimonies of learned Men, who have had Opportunities to notice its intrinsic Value, and real Importance; but more so by the great Solicitude that has at all Times been shewn by the Legislature for its safe Custody and Preservation, as well whilst it continued in the Possession of the illustrious Family from whom it had its origin, as since it became the Property of the Public.

Sir Robert Cotton, a Descendant from a very ancient Family, which in the Reign of Edward III. flourished in the County of Chester, was born at Denton, near Conington, in Huntingdonshire, on the 22d of January 1570. He was entered at Trinity College, Cambridge, where in 1585 he took the Degree of Batchelor of Arts, and where he early imbibed a Taste for, and laid the Foundation of his pre-eminent Learning in the History and Antiquities of his Country. This bias, on his leaving College, was greatly increased and confirmed by the free Intercourse he immediately commenced with the celebrated Antiquaries, Joscelin, Lambard, Camden, Noel, and several others, who about that Time (though as yet unsuccessfully) attempted to establish a Society for the Investigation of British Antiquities. Animated by the Example of these assiduous Collectors, he neglected no Opportunity (of which Abundance offered at that Time) to acquire a Number of Chronicles, Chartularies, and other Original Muniments, which at the late Dissolution of the Monasteries had found their way into the Hands of Private Persons, who in general were by no Means aware of their real Importance. In these Endeavours, he was surpassed by none, nor was he in fact equalled by any of his emulous Contemporaries, most of whom ultimately co-operated to increase the Stock he was accumulating for the Benefit of his Country.

In 1599, he accompanied his Friend William Camden in a Journey to the North of England, where they jointly explored the whole Extent of the Picts Wall, and brought away several Inscriptions and Monuments, which, after having been some time deposited at Sir Robert's Seat at Conington, were presented to Trinity College Cambridge, where they are still carefully preserved.

At the Accession of K. James I. in 1603, he was knighted. In the Year 1608, he was appointed One of the Commissioners for enquiring into the State of the Navy. And in 1611, having been the Principal Promoter of the Plan for the Establishment of the Order of Baronets, he was himself raised to that Rank, being created the Thirty-sixth in Succession at the first Nomination.

After having been, during upwards of Thirty Years, a distinguished Ornament to his Country, and the Principal Oracle to which Men in the highest Stations recurred for accurate Information and Advice in all Matters relating to the History, the Rights, and the Constitution of the Kingdom, during which Period he produced upwards of Thirty Tracts or Dissertations, chiefly on Political and Constitutional Subjects, most of them written at the Desire of Men in Power, if not at the express Command of his Sovereign; it is no Doubt greatly to be lamented that a Life so meritorious, should, towards its Close, have been embittered by base Calumny and the arbitrary Proceedings of those from whom he had an undoubted Right to expect distinguished Favour and Protection.

By Order of The Privy Council, once in the Reign of James I. 1615, and again in the Reign of Charles I. 1629, his Library was locked up, as not of a Nature to be exposed to Public Inspection, and he was himself excluded from the Use of it.

Shortly before his Death, he caused to be signified to the Privy Council, "that their so long detaining his Books "from him, without rendering any Reason for the same, had been the Cause of his mortal Malady." He died on the 6th of May 1631, aged Sixty Years Three Months and Fifteen Days, and was buried on the South Side of the Church of Conington, where a suitable Monument was erected to his ever revered Memory.

That his Library continued in Sequestration some Time after his Death, appears manifest from the Petition of Sir Thomas Cotton, his only Son and Heir, wherein he states that his Study had been a long Time locked up, and himself

Appendix, (F 5.) Cottonian MSS.

himself debarred from the Use of it; and that it appeared from a Schedule of the Contents of the said Library prepared for the Purpose, that there were no Books or Papers therein but such as were the undoubted Property of the Petitioner, he therefore humbly prayed that he might henceforth have the free Use of his Study, it being the best Room in his House.

Although no Record appears to be extant that the Prayer of this Petition was complied with, yet there is every Reason to believe that it was soon after granted; and that Sir Thomas, to whom the Property had devolved, continued to the Day of his Death, which happened in the Year 1662, in quiet Possession of his Library.

We are informed by Stukeley, that ——— Bromsall Esquire, of Blunham in Bedfordshire, High Sheriff for the County of Bedford in the Year 1650, was greatly instrumental in preserving this inestimable Treasure, during the Convulsions of the Civil Wars, in which all Documents of a constitutional and legal Nature were induſtriously sought after, in order to be destroyed.

Sir Thomas Cotton was succeeded by Sir John his eldest Son, and he too appears to have been never molested in the free Enjoyment of his Library. During the latter Part of his Life he readily permitted Doctor Thomas Smith to compile the Catalogue of the Collection, which was printed at Oxford in the Year 1696.

The next, and respecting the Public, the most important Transaction concerning this Library, is recorded in the Statute made in the Year 1700, entitled "An Act for the better settling and preserving the Library kept in "the House at Westminster called Cotton House, in the Name and Family of the Cottons for the Benefit of the "Public." This Act, after doing ample Justice to Sir Robert Cotton for forming a most valuable Collection of Manuscripts, Papers, Records, &c. "of great Use and Service for the Knowledge and Preservation of our Con-"stitution in Church and State, and generally esteemed the best of its Kind now any where extant;" and reciting that the same had been carefully preserved, and much augmented and enlarged by Sir Thomas the Son, and Sir John the Grandson of the said Sir Robert Cotton, declares "that the said Sir John Cotton, in pursuance of the "Desire and Intentions of his Father and Grandfather, is content and willing that his Mansion House and Library "should continue in his Family and Name, and that it be kept and preserved by the Name of the Cottonian "Library, for public Use and Advantage."

After this Preamble, so honourable to the Collectors, and so decisive in favour of the Utility and Importance of the Collection, the Statute enacts, that after Sir John Cotton's Death, the said Library, together with his Mansion House and its Appurtenances, be vested in Trustees; the House, for the Use of the Descendants of Sir Robert Cotton, the Founder, for ever; and the Library to be carefully preserved for the public Use, without suffering any Alienation or Embezzlement upon any account whatever.

The first concern of the Trustees appointed by this Act was to cause the Library to be carefully inspected in order to ascertain and identify its Contents, that they might render the Keeper whom they were to appoint to the Care of it, responsible for the Security of the same. For this Purpose they named Matthew Hutton, John Anstis, and Humphrey Wanley, Three of the most eminent Antiquaries of those Days, to examine carefully into the State of it, and report to them concerning its Extent and State of Preservation. This Report, dated June 22d, 1703, is extant in Manuscript in the British Museum, from which it appears that they compared all the Volumes in the Library with the Entries in Dr. Smith's Catalogue, and ascertained the Number of Pages in each Volume; but that being limited for Time, they did not make any material Corrections in the said Catalogue, which they acknowledged to be in several Places materially defective. They likewise represented many of the Volumes to be in a State of Decay, and the Place where the Library was kept not altogether calculated for its Preservation.

The Solicitude of the Legislature to have this important Collection effectually secured for the Use of the Public, induced them soon after to frame a new Statute, entitled "An Act for the better securing Her Majeſty's Purchase "of Cotton House in Westminster," in which, after reciting that the Library, in its present Situation, was by no Means in the State of Security, nor of the Degree of Utility it was intended to be; it was provided, that "to the "Intent so great a Treasure of Books and Manuscripts, so generously given for the Public Service, might not "remain any longer useless; and that it might be in Her Majesty's Power to make this most valuable Collection "useful to her own Subjects, and to all learned Strangers;" an Agreement had been made with Sir John Cotton, Grandson to the Donor, for the Purchase of the Inheritance of the House where the Library was deposited, for the Sum of £4,500, which Purchase could not have been made without an Act of Parliament, the preceding Act concerning this Library having directed that the House should not be sold or alienated: and that the said House be henceforth vested in the Queen, her Heirs and Successors for ever.

Whether

Whether it was for the Purpose of erecting a new Building for the Reception of the Library on the Site of the said House, which indeed was directed by the last-mentioned Act, or for what other Reason, does not at present appear; but we are informed in a subsequent Report of a Committee of the House of Commons, that the Library was in the Year 1712 removed to Essex House in Essex Street Strand, where it continued to the Year 1730, when it was conveyed back to Westminster, and deposited in a House in Little Dean's Yard, purchased by the Crown of the Lord Ashburnham.

Here shortly after, viz. on the 23d of October, 1731, in the Morning, a Fire broke out, which destroyed several, and damaged many of the Manuscripts, and was near proving fatal to the whole Library: what remained was removed, by Permission of the Dean and Chapter, into a new Building designed for the Dormitory of Westminster School; and the Trustees (particularly Mr. Speaker Onslow, who instantly upon hearing of the Fire, hastened to the Spot, and personally assisted in rescuing all that could be saved from the Flames), immediately took the most effectual Steps in their Power for retrieving as much of the Damage as could be repaired. They took the Opinion of several of the most experienced Officers entrusted with Public Records, concerning the best Expedients in this Emergency, and proceeded in the Manner suggested by them in redressing the Injury. Nor was the House of Commons inattentive to this Misfortune, since we find a Report of a Committee appointed by them to view the Cottonian Library, and other Public Records of the Kingdom, dated May 9, 1732, in which an ample Account is given of the Accident itself, and of the Measures that were adopted in consequence of the Damage it occasioned. To this Report is likewise added an Appendix, shewing at large what Manuscripts had been wholly destroyed or materially injured, that Persons who may be possessed of Copies of them, might have an Opportunity of contributing to the Reparation of the Loss, by communicating those Transcripts.

When at length, in the Year 1753, the Legislature was induced by the Will of Sir Hans Sloane, Baronet, to purchase his extensive Collection of Natural and Artificial Curiosities, and to establish a National Repository under the Name of the British Museum, it did not escape them, how valuable and important an Addition the Cottonian Library would be to an Establishment of such great public Utility. The Act therefore made in that Year, after reciting the weighty Motives that prompted them thereto, directed that the said Library be deposited in the above mentioned Museum; and that Two Trustees, to be nominated in Succession by the Representatives of the Cotton Family, be for ever added to those appointed by this Act, for the Execution of the Purposes thereof.

It remains now to lay before the Public what Steps the Curators of the British Museum have taken in order to fulfil the Intentions of the Founder, the Donor, and the Legislature, respecting this important Part of their Trust. —After causing the Library to be carefully deposited in a safe and conspicuous Part of the Department of Manuscripts, they being aware that much remained yet to be done, in order to render it as useful as the Nature of its Contents would admit of, were pleased in the Year 1793, to direct the Keeper of that Department (an Office then held by me) to take every Step that might be deemed advisable to restore such of the damaged Volumes as were thought yet capable of some further Repairs, and the Imperfection of Smith's Repertory having been repeatedly complained of, to prepare a new and more accurate Catalogue without Delay. The following Account of the Manner in which I endeavoured to acquit myself of this Task, will at the same Time convey the best Idea I can give of the present State of the Library.

This Library, which originally consisted of 958 Volumes, was by the above mentioned Fire in the Year 1731, reduced to 861 Volumes, of which, when brought to the Museum, 105 were damaged Bundles preserved in Cases. Many of the Volumes in Bindings were not paged at all; and few indeed were paged with Accuracy. In several of them there were evident Marks that Leaves had been purloined; and some had been bound up with much Irregularity and Disorder. Concerning the Bundles in Cases, the Committee of the House of Commons, who, in the Year 1732, examined into the Damage occasioned by the Fire, reported that several of them might, in careful Hands, be so far restored as to be rendered useful. But this was afterwards rendered a Task of much greater Difficulty; the Persons by whom they had been occasionally handled, having thrown them into great, and in many Instances irretrievable, Confusion.

With respect to Dr. Smith's Catalogue, the Number of Articles entered in it, does not much exceed 6,200, which it will be seen hereafter is not a Fourth Part of the Contents of these 861 Volumes. The chief Omissions are in the State Papers and Collections of small detached Tracts, of which there are no less than 170 Volumes. Most of these are entered only as single Articles, whereas upon an Average each of them contains at least 100 distinct Pieces. About 80 of these Volumes, as Sir Wm. Dugdale informs us in his Life, were by him found in loose Bundles, and caused to be bound up, but unfortunately without any Order as to Persons, Times, or Matter; whence it follows that they have been hitherto little used, because little known, and almost inaccessible for want of proper Calendars.

APPENDIX. (F. 5.) Cottonian MSS.

My first Care, on entering upon my Task, was to cause all the Volumes to be regularly paged, or at least the old paging to be accurately ascertained, without however obliterating the old Numbers, since that would have proved fatal to the many References that have been made to these Manuscripts. I then proceeded to examine the Bundles in Cases, and found Means, after many repeated and not a few unsuccessful Attempts, to arrange several Volumes and Parts of Volumes of State Papers. Some of the shrivelled Manuscripts on Vellum I likewise found capable of being restored, though not without great Care and Dexterity on the Part of the Bookbinder. With his Assistance I have succeeded in restoring Fifty one of the above One hundred and eighty-five damaged Manuscripts, which are now bound in Forty-four Volumes; and though several of these be still defective, especially where Parts have been consumed or defaced by Fire; yet upon the whole it will be found that much useful and authentic Information is still preserved in them. The remaining Sixty-one Bundles have appeared to me irretrievable; and indeed most of them seem to be obscure Tracts and Fragments of little or no Importance. They are now contained in Sixty-two Cases.

This done, I applied myself to the Compilation of the Catalogue. And here each separate Article has been entered in its successive Order, under as short and yet comprehensive a Title as could be devised, which, especially in the Multitude of Letters and Tracts in a great Variety of antiquated Languages and Hand-writings, and without either Argument or Rubrics, was attended with no small Degree of Difficulty and Labour. Particular Pains have been taken to discover the true Authors of anonymous and pseudonymous Works; in many Instances, especially in anonymous Poems, the first Lines have been transcribed in the Catalogue in order to identify the Piece. Notice has been taken of those Works that have been published, and References have been made to the Titles of the Publications, or to the Collections in which they have been edited. All possible Endeavours have been used to ascertain the Dates of the Letters and State Papers, where (as has but too often been the Case in the last and the preceding Century) the Writers have omitted them; and even Approximations, with Marks of Interrogation, have been inserted where the exact Dates could not be obtained. The Folio of each Article has been entered; and the Number of Folios in each Volume has been noted, both in the Catalogue and at the End of the Volume, in hopes thereby to prevent all future Mutilation, or at least to lay it open to Detection. The Form of each Volume, the Material on which it is written, and its Age, if prior to the Fifteenth Century, when it could be ascertained with any Degree of Probability, have likewise been described in the Catalogue.

This Catalogue, thus drawn up with all the Industry and Circumspection of which I was capable, will be found to contain about 26,000 Articles. That in the Variety and Perplexity of Research implied in so intricate a Maze of latent Facts, no Errors should have escaped my best Endeavours will hardly be expected, especially by those who are apprized that in the Opinion of the best Bibliographers, no Work of this Nature, certainly none executed by one single Person, and one moreover incessantly distracted by a Variety of other Avocations, has ever been produced free from imperfections. But it is hoped that these Imperfections, however numerous, will not materially affect the Utility of the Performance.

This Catalogue remained in Manuscript in the Library till last Year, when a COMMITTEE OF THE HOUSE OF COMMONS FOR ENQUIRING INTO THE STATE OF THE RECORDS OF THE KINGDOM, having ordered a Report concerning the Contents of the British Museum respecting the Objects of their Researches, were necessarily informed of its Existence; and having been apprized by competent Judges that its Publication might prove an Object of much Utility, recommended the printing of it to be proceeded upon without Delay.

British Museum,
Dec. 23, 1801.

J. PLANTA.

Appendix (F. 6.)

Account of the Formation, Contents, and Catalogues of the Collection of Harleian MSS.

I.

THE great Repute in which the Harleian Collection of Manuscripts hath for several Years past been confessedly held, not only in England but throughout Europe, the many useful Materials already drawn from its Stores, as well by Foreigners as our own Countrymen, and the Rank it justly claims amongst the most celebrated Libraries at present subsisting, induced the learned World to express an Impatience for a more intimate Knowledge of its Contents. In order therefore to give the requisite Satisfaction, and that every Student may, with as little Inconvenience to himself as possible, be informed what Helps this Treasury of Erudition will furnish him with in promoting his Researches, the Catalogue, together with a copious Index, is now submitted to the Public.

This Collection of Manuscripts was begun towards the latter End of the last Century, by Robert Harley, of Brampton Bryan, in the County of Hereford, Esq. who on the 11th of February 1700-1, was chosen Speaker of the House of Commons; on the 24th of May 1711, created Earl of Oxford and Mortimer; and five Days afterwards promoted to the important Station of Lord High Treasurer of Great Britain. An innate Love of Science, the exemplary Attachment of several of his Ancestors to Literature, and a strong Propensity to search into the Transactions of former Ages, had determined him, in the early Part of his Life, to purchase whatsoever curious Manuscripts he could meet with, more especially such as in anywise tend to explain and illustrate the History, Laws, Customs, and Antiquities of his native Country.

We have no Account transmitted to us of any considerable Number of valuable Books being, at any one Time, preceding the Reformation, introduced into England; except the Collections made by Order of Humphry Duke of Gloucester, for his Library at Oxford, and the curious Greek Books brought hither by the Prelates, and other Dignitaries of that Church, after the taking of Constantinople; which Archbishop Warham soon after purchased and presented to New College.

King Henry VIII. soon after the general Dissolution of Religious Houses, founded the Royal Library for the Use of the Princes of the Blood, placing therein many choice MSS. collected by John Leland and others, out of the Spoils of the Monasteries. This Library was afterwards considerably augmented by his Successors, and is now preserved in the British Museum, by Order of His late Majesty King George II.

Towards the End of Queen Elizabeth's Reign, Sir Thomas Bodley turned his Thoughts to the reinstating the public Library at Oxford, then in a ruinous Condition, and to the adorning it not only with printed Books, but with whatever Manuscripts could at that Time be procured. To this End he quitted the Court, and dedicated the Remainder of his Life to the searching after and purchasing Books and Manuscripts at home, whilst his Agents abroad ransacked almost every Part of Europe for the like literary Supplies. By these Means he had the Satisfaction of furnishing that Library with one thousand two hundred and ninety-four rare MSS., which by the subsequent Liberality of William Earl of Pembroke, Sir Kenelm Digby, Archbishop Laud, Mr. Selden, Sir Thomas Roe, Lord Fairfax, Bishop Barlow, Franciscus Junius, Dr. Huntingdon, Sir Henry Savill, Dr. Pocock, Mr. Dodsworth, and others, were encreased to six thousand eight hundred and eighteen Volumes, exclusive of eighteen hundred and ninety-eight deposited in the Ashmolean Museum.

Bodley's great Cotemporary, Sir Robert Cotton, had been equally diligent in collecting ancient MSS. The Study of Antiquities, particularly those of this Kingdom, had engaged his Attention, though he always shewed a high Regard for every Part of philological Learning, in all which he was extremely conversant. He had observed with Regret, that the History, Laws, and Constitution of Britain, were in general very insufficiently understood; and being fully convinced, that the Preservation of such Monuments of Antiquity, and other Documents, as were conducive to render the Knowledge of them, and their Deductions from their primary State, more accurate and universal, would necessarily redound to the Advantage of the Public, he had, in an expensive and indefatigable Labour of upwards of Forty Years, accumulated those numerous and inestimable Treasures which compose the Cottonian Library, and now remain an indisputable Testimony of his benevolent Disposition towards his native Country.

But,

Appendix, (F. 6.)

Harleian MSS.

But happily, these Patrons of Literature lived in an Age peculiarly favourable to the Completion of their respective Purposes, and more especially to those of the latter. The late general Dissolution of Religious Houses had dispersed an infinite Number of curious Manuscripts, many of these were secured by the Nobility and Gentry; but no inconsiderable Number falling into the Hands of Peasants, Mechanics, and other Persons ignorant of their Importance, and totally inattentive to their Preservation, were easily to be purchased. From this Source Sir Robert Cotton had supplied his Library with a Multitude of rare Manuscripts, and to them Mr. Camden, Mr. Lambert, Dr. Dee, and Sir Chriſtopher Hatton, had kindly contributed their Stores.

Matthew Parker, Archbiſhop of Canterbury, had before taken the ſame Oppoſtunity of repoſiting a good Number of excellent Manuſcripts, both in the Public Library, and in that of Corpus Christi College in Cambridge; and many considerable Augmentations of the like Kind had been made to the Libraries of the several Colleges in the Two Universities, as also to those of our Cathedral Churches, the Palace at Lambeth, and the College of Arms.

Thomas Earl of Arundel had made large Collections of Manuscripts, which afterwards were presented to the Royal Society, by his Grandson Henry Duke of Norfolk.

The Inns of Court had procured, for their respective Libraries, divers excellent ancient Manuscripts, relating to the municipal Laws of this and the neighbouring Kingdoms; and Mr. Vaughan of Hengwrt had hoarded up, and perpetuated to his Family, most of the valuable Manuscripts relating to the Principality of Wales, and the History of the Ancient Britons.

The Possessors of Lands heretofore belonging to Abbies, Priories, &c. being apprized that the ancient Chartularies, Registers, Ledger Books, and other Muniments of those Religious Houses, might be of infinite Use in discovering and evincing the various Rights, Privileges, and Immunities annexed to those Estates, had been industrious in collecting them, in order to their being religiously preserved amongst their other Family Evidences; and as a Taste for Letters increased, many curious Persons were vying with each other, in the Curiosities and other literary Furniture of their respective Libraries.

A similar Passion for collecting Manuscripts, and forming as well Private as Public Libraries, had long displayed itself in many other Parts of Europe. Pope Sixtus V. on his re-building the Vatican Library, in the Year 1588, had used his utmost Efforts to improve it, by the Addition of the most valuable Manuscripts. His Influence had procured it large Supplies, and most of the succeeding Pontiffs, particularly Pope Clement XI. having in that Respect followed his Example, their Agents and Dependants had, from Time to Time, interested themselves, and that with great Success, for its further Augmentation.

Large Collections of Manuscripts had been placed in the Archives of the Church of St. Peter, and in the following Libraries; viz. of the Fathers of St. Basil, the Dominicans of Sancta Maria Sopra Minerva, and the Palaces of Ottoboni, Chigi, Barbarini and Altieri, at Rome; the Convents of St. Severini, Monte Cassini, Monte Oliveto, and St. John de Carbonara, at Naples; the Royal Palace, and the University of Turin; the Ducal Palace at Modena; the Ambrosian College at Milan; the Laurentian (Medicean); Benedictine, and Dominican Convents at Florence; the Ducal Palace at Parma; St. Mark at Venice; the Canons Regular at Bologna; and in other Libraries in Italy.

Most of the Manuscript Collections made by the German Literati had been swallowed up by the Imperial Library at Vienna, which, after all the Monasteries in Austria, by the special Order of the Emperor Maximilian I, had been, as it were, pillaged of their Manuscripts, for its Enrichment, was further increased by the Acquisition of a great Part of the once celebrated Buda Library.

Plentiful Supplies of the like Kind had been thrown into the Clementine College at Prague, the Ducal Library at Gotha, the Magistrates' Library at Leipsic, and the Libraries of the Universities of Jena, Leipsic, and Leyden.

The Heidelberg Library, very famous on account of the many fine Manuscripts wherewith it was replete, had been further greatly enriched a little before the Disturbance in Germany occasioned its being removed into the Vatican.

No small Number of Manuscripts had been purchased for the Increase of the Royal Library at Dresden. Queen Christina had not only possessed herself of the rich Manuscript Library at Petavius, and many choice Manuscripts taken by her Father, the great Gustavus Adolphus, from the Library of the Royal Palace at Prague, and many Towns in Germany; but had even drained Sweden, and the North, of those numerous Manuscripts, that she carried with her to Rome, and which, after her Death, were divided between the Vatican and Ottoboni Libraries.

The

The French King's Library, from its first Institution by Francis I. had been continually and wonderfully increasing, and afterwards received an Augmentation of no less than Ten thousand Manuscripts, by the Procurement of Cardinal de Fleury, who incessantly exerted his utmost Endeavours for its further Supply.

The Religious Houses in Europe had always shewn a particular Zeal for the Possession of Manuscripts, and continued indefatigable in soliciting and encouraging their Patrons and Benefactors to search out the like valuable Treasures, and present them to their Libraries.

Such rare Books as were found in the several famous Seminaries of Literature in Africa, and brought into Spain, had, together with a great Number of Eastern Manuscripts, been collected, and lodged in the Escurial. Constantinople and Greece had been nearly exhausted of their Manuscripts by the European Travellers in those Parts; particularly by John Lascaris, for the Laurentian Medicean at Florence; by Cardinal Bassarion, for those numerous Manuscripts which he left by his Will to the Public Library at Venice; by Leo Allarius, for the Barbarini Library; and by the Abbé St. Sevin and others, for the Royal Library at Paris.

After so many Manuscripts had been thus secured in public Libraries, and such a Variety of Industry used for the Supply of those sacred Magazines of Learning, the Prospect of furnishing a new Library with any considerable Number of choice Manuscripts, was very unpromising. But whatever Discouragements it might suggest to Mr. Harley, they were far from checking his Attempts. He resolved to persevere, and steadily pursue his Plan. He soon had the Satisfaction of finding his Endeavours attended with remarkable Success; for, although the first considerable Collection which he purchased was in August 1705, we are assured by Bishop Nicolson (who well knew) that in less than Ten Years he had got together near 2,500 curious and rare Manuscripts, in different Branches of Literature; amongst which were those of Sir Simon D'Ewes, the Suffolk Antiquary; Mr. John Stow, Author of the Survey of London; Mr. Charles, Lancaster Herald; and John Fox, the Martyrologist.

These unexpected and pleasing Acquisitions would alone have sufficiently encouraged a Person less devoted to the Love of Antiquity than Mr. Harley to continue the Pursuit with Vigour; but he met with still further and irresistible Inducements. Dr. George Hicks, the great Restorer of Northern Learning, Mr. Anstis, Garter King at Arms, Bishop Nicholson, Col. Worsley, Sir Gilbert Dolben, Mr. Prior, Dr. Stratford Canon of Christ Church, Sir Thomas Hoby, Peter Le Neve Esquire, and other eminent Antiquaries, not only offered him their Assistance in procuring Manuscripts, but presented him with several which were extremely valuable. Thus excited, he determined to lose no Time in bringing to Maturity a Design which he had so successfully begun; and therefore whilst engaged in the Service of the State, he was constantly attentive to the enlarging his Collection; and after his Retirement from public Business, spent the Remainder of his Days in an unwearied Application to the gaining further Accessions to his Library, not sparing any Costs necessary for that Purpose. He likewise kept many Persons employed in purchasing Manuscripts for him abroad, giving them such written Instructions for their Conduct in that Respect, as sufficiently manifest the exact Knowledge he had acquired as well of every curious Manuscript, as of the Person, Circumstances, and Residence of its Possessor. By these Means the Manuscript Library was, in the Year 1721, increased to near Six thousand Books, Fourteen thousand Original Charters, and Five hundred Rolls.

This great Encourager of Literature, died on the 21st of May 1724.

His Son Edward, Lord Harley, the Inheritor of his Honours and Fortune, with equal Firmness and Perseverance pursued the Plan; and with incessant Assiduity, and at an immense Expence, enlarged the Collection, so that at his Decease, which happened on Tuesday the Sixteenth of June 1741, the Manuscript Library consisted of near Eight thousand Volumes. But many of them being composed of several distinct and independent Treatises, the Number of Books, separately considered, may be reckoned to amount to upwards of Ten thousand; exclusive of several curious loose Papers, which have been since sorted and bound up in Volumes; and above Forty thousand original Rolls, Charters with their Confirmations, Letters Patent, Signs Manual, Privy Seals, Grants, Feofments, final Concords, Exchanges, Warrants, and other Deeds and Instruments of great Antiquity, for the most Part relating to Great Britain and Ireland.

That the principal Point, which the Noble Founders of this Treasury of Learning had in View, was the Establishment of a Manuscript English Historical Library, and the rescuing from Oblivion and Destruction, such valuable Records of our National Antiquities as had escaped the Diligence of former Collectors, is indubitable, although it is evident that their Views were more extensive; this Library containing also large Collections in various Branches of Science and Literature; Bibles, and Biblical Books; Cabbalas, Talmuds, and Targums; Writings of the Fathers of the Church; Liturgies, Missals, and Breviaries; Evangelistaria, Lectionaries, and other Books of Religion and Devotion; besides many antient Copies of Greek and Latin Classics and Historians; Lexicons, Dictionaries, and Glossaries in most Languages; Histories, and Chronicles of many European Nations; Voyages and Travels; Works upon Civil Architecture, Ship-building, and Military Affairs; upon Astronomy, Cosmo-

 graphy,

Appendix, (F. 6.)

graphy, Geography, Natural History, and Agriculture; and a vast Variety of Chemical, Chirurgical, and Medical Tracts; Works of Poetry, Musical Compositions, Illuminations, and Paintings, &c. &c.

Harleian MSS.

The Materials which constitute the chief Value of this Collection, as forming a Manuscript Historical Library for England, Wales, Scotland, and Ireland, may be divided into Topographical Description; Civil and Ecclesiastical History and Antiquities; the Registers, Chartularies, and other Evidences of the Estates of antient Nobility; and Books of Heraldry, Ceremonials, and Solemnities:

First, For the Topographical Part; Histories and Surveys of several Counties, and the Customs of their Inhabitants; Memorials of the Founding and Incorporation of Cities, Towns, Boroughs, and Villages, with the most remarkable Events that have happened to each; their Antiquities and other Curiosities. Accounts of the Erections of Temples, Castles, and other Buildings; and of the Remains (if any) of such as have been destroyed. The Establishment and Endowment of Parishes, Foundations of Religious Houses, Books of ancient Tenures, Inquisitions post Mortem, Escheats, Customaries, Terriers of Manors, Perambulations of Forests, Accounts of ancient Coin, Monumental Inscriptions, Forts, Camps, Roads, Military Ways, and other Antiquities, which have been casually discovered in particular Places. Notes concerning the most remarkable Rivers, Mountains, Mines, Minerals, and other Curiosities. A Variety of Tracts, and Memoranda relating to particular Parts of England, as well in its pristine State, when separated into petty Kingdoms, Provinces, and Principalities, during the Times of the Britons, Romans, and Saxons, as subsequently, when under the Dominion of One Monarch; divided into Counties, Ridings, Rapes, Wapentakes, &c. As also the laborious Collections made by Sir Simonds D'Ewes, John Fox the Martyrologist, Mr. Erdeswick, honest John Stow, Mr. Charles, Lancaster Herald, and others.

Secondly, For the Civil and Ecclesiastical History; valuable Copies of our ancient Historians and Chroniclers, as Gildas, Nennius, Asserius Menevensis, Ælfred of Beverly, Abbot Benedict, Castoreus or John Beaver, J. Brompton, Raulf Boun, Douglass Monk of Glastonbury, Edmerus, Florence of Worcester, Robert of Gloucester, William Giseburn, R. Hoveden, Henry Huntingdon, Peter de Ickham, John Joselyne, R. Higden, Peter Langtoft, J. Lewis, Adam Murimuth, Geoffery of Monmouth, Robertus Montensis, John Pyke, Sir Walter Raleigh, Robert de Reading, Thomas Rudburne, Simeon of Durham, Richard Sporte, Nicholas Trivett, John Wallingford, Thomas Walsingham, Walter of Coventry, Gotselinus de Sancto Bertino, and sundry anonymous Authors of good Value. A finely illuminated Copy of John Harding's Chronicle, much more perfect than the Edition published by Grafton, and containing the Letter of Defiance sent to King Henry the Fourth by the old Earl of Northumberland, Henry Hotspur, his Son, and the Earl of Worcester, his Brother, before the Battle of Shrewsbury; some Discourses of the same old Earl, touching John of Gaunt; a Map of Scotland, from Carlisle to the Water of Tay; and another from thence to Sutherland and Caithness; with sundry other Matters omitted likewise by Grafton. A Transcript of John de Trevisa's Translation of Higden's Polychronicon, differing from the Account given of that Work by Bale and Pitts; together with several other Translations and Compositions of Trevisa, not to be met with in any other Book. No less than Four ancient Copies of the Polycratica Temporum of Roger Cestrensis; from whence R. Higden stole his Polycronicon. The famous and very ancient Copy of William Malmsbury's elaborate Treatise de Gestis Regum Anglorum, which was formerly preserved with great religious Care at Rochester. An Exemplar of his Four Books, de Gestis Pontificum, written in the Twelfth Century, and several Transcripts of the Dunstable Chronicle, one whereof is most beautifully illuminated; and another adorned with the Blazon of the Arms of divers Emperors and Kings.

Chronicles and Histories of Abbeys, and other religious Houses; as those of Abingdon, St. Alban's, Alnewick, Bermondsey, St. Edmund's Bury, St. David's, Hales, Lichfield, Ely, St. Paul's London, and Peterborough.

Lives of particular Kings, and Histories of their Reigns. As of Edward the Confessor. King Harold; of whose Life and Miracles here is a very fair Copy, written in the 12th Century. Henry I. Richard I. Henry III. Edward I. Edward II. and Edward III. The History of Richard II. written by Francis de Marque, a French Gentleman, Attendant on the Court in the Queen's Service; adorned with Sixteen admirable Paintings, wherein the principal Persons and Habits of those Times are most accurately represented. As also those of Henry IV. Henry V. Henry VI. and Edward IV.

Many original Instructions to Ambassadors, and Letters which passed between them and the chief Ministers of their Courts; together with authentic Copies of an immense Number of others.

Letters to and from Foreign Princes and States, Negotiations, Alliances, Leagues, Truces, and Treaties of Peace, Commerce, and Navigation.

Summons to Parliament from the 49th of Henry III. to the Twenty-first Year of the Reign of King Henry VIII. in many Places larger and more correct than the Work published under that Title, by Sir William Dugdale. Transcripts of the Rolls, Journals, and Memoranda of Parliament; particularly a Copy of the Parliament Rolls, beginning at the Fourth Year of King Edward II. and continued to the End of the last Parliament of King Henry

Henry VIII. in Thirty Volumes; amongst which are the Parliament Rolls of the Fifth, Eighth, and Ninth Years of King Edward II. which are, with others, omitted by Sir Robert Cotton, in his Abridgement of the Tower Records, and by him supposed to have been lost. Journals of the House of Lords, from the First Year of Henry VIII. to the End of the Year 1740, in Sixty-nine Volumes. As also One hundred and eleven other Volumes; containing the Journals of the House of Commons from the First Year (inclusive) of King Edward VI. to the Eighth Day of March, 1701. A numerous Collection of Privileges and Orders of Parliament; and sundry Papers relative to Parliamentary Affairs.

Proclamations, original Letters, Journals, and other Books of the Privy Council.

Books of Aids, Subsidies, Reliefs, Taxes granted to sundry particular Kings of England; and Accompt Books of the Product, Disposal, &c. of the ancient Demesne Lands of the Crown.

Letters, Papers, Books of Docquets, &c. relative to the Offices of the Privy Seal, Signet, Ordnance, Admiralty, Navy, Victualling, Customs, and Excise; particularly a most curious and valuable Volume, once belonging to Lord Treasurer Burleigh, being a Register of the Grants, &c. which passed the Privy Seal, Signet, or Sign Manual, during the Reigns of King Edward V. and King Richard III. consisting of no less than Two thousand three hundred and seventy-eight Articles. Three Volumes of very interesting original Papers and Letters, which belonged to John Holles, Duke of Newcastle, as Lord Privy Seal to Queen Anne; giving a better Insight into the Transactions of those Times, and the immense Sums issued on Account of the Forces employed under the Duke of Marlborough, than can easily be met with elsewhere.

Accounts of the public Revenue, and national Expences. Journals of Commissioners for stating the public Accompts of the Kingdom. The Black Books of the King's House, and other Books and Papers of the Household, Treasurer of the Chamber, &c. Inventories and Indentures of the Jewel Office and Wardrobe. Orders, Proceedings, and Accounts of the Office of Works. Laws and Ordinances for Management of the Mint; with other original Papers concerning the Mint, Coinage and Money Matters.

Several large Collections of Letters and Speeches of our Kings, their Chief Ministers and other Persons of Eminence; particularly Four Volumes, containing Original Letters by the Royal Family of England, from King Henry VIII. to the End of King Charles I. Eighteen Volumes of Original Letters of divers considerable Persons, relating to Public Affairs from the Year 1307 to 1716. And Two Volumes, containing Letters written to Henry, Prince of Wales; together with Original Draughts of his own Letters. The above Volumes afford interesting Anecdotes, particularly relative to Queen Elizabeth, James I. Charles I. and Charles II. unnoticed by the most elaborate Writers of the English History; and may be justly deemed inestimable Remains of the Times to which they relate.

Histories of the first planting and propagating of Christianity in Britain, and its Growth and Increase under the British and Saxon Prelacies.

The Lives and Successions of English Archbishops and Bishops; particularly a most noble illuminated Copy of the Lives of the Seven first Archbishops of Canterbury, by Gotselinus de Sancto Bertino, Monk of St. Augustine's at Canterbury, in the Time of St. Anselm; and of which the first Part only, containing the Life of St. Augustine, is published by Mr. Wharton.

Saxon and English Councils, and the Canons promulgated by them. Provincial and Diocesan Canons and Constitutions.

The Forms and Manner of Election, and Consecration of Archbishops and Bishops; their Jurisdictions, Privileges, and Courts. Surveys, Terriers, and Rentals of their Possessions; Taxations of their Spirituals and Temporals, and Inquisitions relative to the State of their respective Dioceses.

Lives and Canonizations of sundry British, Saxon, and English Saints; as St. Anselm, by Eadmerus; St. Adan and St. Alban, St. Thomas Becket, by an anonymous Author, under the Title of Quadrilogus. Another Life of St. Thomas Becket, wrote within Five Years after his Death, by Garnerius de Ponte S. Maxentii. Venerable Bede. St. Cuthbert, tutelar Saint of Durham. St. David, by Giraldus Cambrensis. St. Dunstan. St. Elphege, and Odo, Archbishop of Canterbury, by Osbern, Monk and Præcentor of that Church. St. Edmund, King of the East Angles, by Abbo Floriacensis; and his Cousin and Companion St. Fremund, Son of King Offa, by Burchard of Dorchester, both translated into old English by Lidgate of Bury. St. Edmund, Archbishop of Canterbury and Confesseor; and St. Edward, King and Confessor, by Ælred, Abbot of Rievaulx. St. Guthlac, of Croyland. St. Goodric, the Hermit of Finchale. St. Gilbert, Founder of the English Order of Gilbertines. St. Hugh, Bishop of Lincoln, by Giraldus Cambrensis. St. Marcellinus, of York. St. Mildred, by Gotseline de Sancto Bertino. St. Oswald, King and Martyr. St. Oswald, Archbishop of York. St. Robert, Bishop of Hereford, by William of Lanthony. St. William, Archbishop of York. St. Wulfric, Anchorite of Hasleberg, by John

Abbot

Appendix, (F. 6)

Abbot of Ford. St. Wlfstan, Bishop of Worcester, &c. As also an ancient Calendar, in which the Festivals of all our Northern English Saints are duly noted.

Harleian MSS.

Authentic Papers and Memorials relating to the Dissolution of Religious Houses, and the Establishment of the Reformation; as Original Letters to and from the Visitors appointed to examine the Abbies, &c. and from the Abbots, Priors, &c. of those Houses to Cromwell, and the Visitors. Visitatorial Certificates of the Value of several Churches belonging to those Ecclesiastical Bodies; and Draughts of Acts of Parliament for their Dissolution; some in the Hand-writing of King Henry VIII. Inventories of Plate, Jewels, and other Valuables, belonging to dissolved Abbies, Priories, Colleges, free Chapels, Chantries, and Gilds. Inquisitions, with the State of several Episcopal Dioceses, and the Returns made thereto by the Bishops. Accounts of the Erection and Proceedings of the Court of Augmentation; more especially Four Original and very valuable Volumes belonging to that Court; and containing, First, Transcripts of the Surveys of the Possessions belonging to divers Gilds and Fraternities granted by Parliament to the Crown, with Warrants for leasing them. Secondly, Registers of Entries, and Descriptions of the several Houses, Manors, Lands, &c. sold by the Commissioners under Two several Commissions in the Reigns of Philip and Mary; with their Rates, and the Names of the Persons to whom they were sold.

For the ancient State of particular Churches, and Religious Houses; Foundation, and other Charters. Historical Accounts of the Successions, Rights, Forms, and Instruments of Elections of Abbots, Priors, and other Superiors, and their Officers. Chartularies, Registers, and Ledger Books of sundry Monasteries, and other Religious Houses, viz. Aberconwey, St. Alban's, Alnewick, Barnewell, Blythe, St. Bees, Bittlesden, Battel, Castle-Acre, Clare, Deeping, and Dunmow. The most accurate and greatly valuable Register of Dunstable, began by Richard de Morins, the Prior of that House, on a Plan unusually copious, and regularly carried on from the Foundation of the Priory by King Henry I. to the Reformation. Those of Evesham, St. Edmund's Bury, Holme Cultrum, Hagmond, Holme, Kenelworth, Lancaster, Leigh, Lichfield, Messenden, St. Mary's at York, Newnham, St. Paul's in London, Ramsey, Rufford, Reading, Roncton, Shaftesbury, Selleya, Southwike, Spalding, St. Wereburgh's in Chester, Welbeck, Waltham, and Walden. Those of the Hospitals and Gilds of Holy Cross near Winchester, Chrich in Derbyshire, St. Giles in London, Christ Church at Boston in Lincolnshire, Ewelme, Clun, and Jesus at Chipping Barnet.

The Statutes of Cathedral and Collegiate Churches; as Winchester, Wells, Westminster, Durham, Ely, Exeter, and London.

Charters, Endowments, Extents, Terriers, and Rentals of Church Lands. Extracts and Collections from ancient Chartularies and Registers.

Statutes of the Two Universities, and of their several Colleges and Halls, and a vast Mass of other Materials relating to their History and Antiquities; with a noble Transcript of the Proceedings of the Convocation upon the Divorce of Ann of Cleves, authenticated under the Hands of Public Notaries.

For the Laws, Polity and Civil Government of the Realm of England; divers Copies of the Laws of several of the Anglo-Saxon, Danish, and Norman Kings. Transcripts of divers of the Magnæ Chartæ of K. Henry III. and an Inspeximus and Copy of his Confirmation, both of the great Charter, and of the similar one, sealed by Prince Edward at London, on the Tenth Day of March, in the Year 1264; and which Inspeximus is dated 13th of March, in his Forty-ninth Year; and witnessed by Simon Montfort, Earl of Leicester, Hugh le D'Espencer, the Chief Justiciary, Nine Bishops, and Fifteen Temporal Lords. Transcripts of sundry ancient Statutes, some whereof have not been printed. Learned Readings on those and other Statutes; and Extracts of all the Private Acts of Parliament, remaining in the Chapel of the Rolls. Exact Copies of some Parts of Domesday Book, and Extracts from other Parts; as also from the Red and Black Books of the Exchequer. Transcripts of the Chartæ Antiquæ, and other Records remaining in the Tower of London, the Exchequer, the Chapel of the Rolls, and other Public Repositories; with divers Explanatory and other Papers relative thereto. Several excellent Copies of Breton, Bracton, Fleta, Glanville, Hengham, Horne, and other Writers on the ancient Municipal Laws of this Kingdom. Sundry ancient Regifters of Original Writs, Formulæ Placitandi, Year Books, Reports, and Adversaria of eminent Lawyers.

Historical Accounts of, and Memoranda relating to Baronies, Serjeancies, Knight-fees, and other Tenures. Copies of Escheat Rolls, Inquisitions post Mortem, Pleas of the Crown, &c. together with other Law Books in great Abundance.

Plenty of Treatises on the Institution, Establishment, and Jurisdiction of the Exchequer, Curia Regis, Common Bench, Courts of Wards and Liveries, Star Chamber and Chancery, as also of the Courts Leet, Baron, Pye Powder, and other inferior Courts; the Forms and Methods of Proceedings in them respectively, and Accounts of their several Officers, Registers, and Records.

Discourses

Appendix, (F. 6.) Harleian MSS.

Discourses on the Antiquity, Jurisdiction and Authority of the ancient great Officers of the Kingdom; to wit, the Marshall, Steward, Constable, and Admiral. The Forms, Ceremonies, and Proceedings used in their Courts; and extraordinary Trials had before them.

Original Charters of our ancient Kings, as Edward the Elder, Edgar, Hardicanute, and Edward the Confessor. The famous Charter of King Edgar, wherein he stiled 'Marium Brit. Dominus, on which great Stress has been laid by several Writers, in Support of England's Superiority over the Four Seas; but which Charter Dr. Hicks hath evidently demonstrated to be spurious, and to have been (as many others in the same Language likewise were) forged after the Norman Conquest. A most Noble and curious Book, covered with crimson Velvet, and richly adorned with Bosses and Hasps of Silver gilt and enamelled; the Cover and all the Leaves indented at the Top; containing Four original Indentures of Covenant, illuminated and embellished with Historical Miniatures, dated the 16th of July, in the 19th Year of King Henry VII. and made between that King and the Abbot and Convent of St. Peter's, Westminster, for certain Masses, Collects, &c. to be for ever after said in the Chapel of the Virgin Mary, then determined to be built at the East End of that Church, as a Place of Reception of the Bodies of the King, Queen, and Royal Family, after their respective Deceases; for providing Chantry Monks there; for founding Anniversaries in that and other Chapels and Churches; for Converses and Scholars in the University; for maintaining Almsmen; for the Livelihood amortiz'd to the Abbey of Westminster for those Foundations; and for various other Purposes. To his Indenture Book, Five broad Seals of King Henry VII. preserved in Silver Boxes, Parcel gilt, and ornamented within his Badges of the Portcullis and Rose Sprigs, are appendant by Strings of Silk, and Gold and Silver Thread.

Another Book, with its Cover of blue Velvet, and the Tops of all the Leaves indented; containing an illuminated Quadrupartite Indenture, dated the Twentieth of November, in the Twentieth Year of the Reign of K. Henry VII. made between the King, the Abbot and Convent of Westminster, the Abbot and Convent of St. Alban's, and the Mayor and Commonalty of London; whereby the Abbot and Convent of St. Alban's oblige themselves to hold a solemn Anniversary in their Church for ever; and to pray there for the King, the Royal Family, and the Realm. Likewise numerous Transcripts of Letters Patent, Signs Manual, Privy Seals, Charters, and sundry Historical Law Tracts, and Treatises on the Antiquities, Excellence, and Usefullness of the Municipal Laws of the Kingdom.

Thirdly, Register Books, Chartularies, and other Evidences of the Estates of our ancient Nobility; as, the famous Liber Niger de Wigmore, which contains Transcripts of almost all the Family Deeds and Evidences of Edmund Mortimer, Earl of March, temp. Rich. II. and his Ancestors. The Evidence Book of John Nevil, Lord Latimer. The Chartulary of the Honour of Segrave, and those of other great Families.

Ceremonials, Pompe, and Solemnities; as the Coronations of moſt of our Kings and Queens from the Time of the Anglo-Saxons to that of King George II. Several Transcripts of the Liber Regalis, and other Books of Claims of Offices to be performed by sundry Persons at those Solemnities. Royal and Princely Births, Christenings, and Marriages.—Public Entries, Introductions, Receptions, and Feastings of Royal and Princely Visitors, Foreign Ambassadors, &c. with the Forms of their Departures, and Accounts of the Presents made to them on those Occasions. Tilts, Tourneys, Justs, Royal Masks, and other Public Entertainments, Public Processions and Cavalcades. Creations of Princes, Nobility, and Knights of several Orders, &c. Funerals of Kings, Queens, Princes, and great Personages allied to the Royal Family, and also of Persons of Quality and Distinction. And lastly, an infinite Number of Adversaria, collected by various eminent Antiquaries out of old Histories, Records, Chartularies, Register Books, &c.

Fourthly, Heraldical and Armorial Books, as Forms of appointing and crowning Kings at Arms, and of the Establishment of their subordinate Officers. Grants, Alphabets, Ordinaries, and Tricks of Arms and Enſigns Armorial. Multitudes of Visitations of Kings at Arms throughout all the Counties of England, partly Originals, and partly fair Transcripts. Tracts on the Order of the Garter. Laboured and other Pedigrees of most of the Nobility and Gentry of England, in which frequently occur Notes, monumental and fenestral Inscriptions, Copies of ancient Charters, Grants, and other Deeds, illustrating their Family Histories.

The Principality of WALES, and the Kingdoms of SCOTLAND and IRELAND, make no inconsiderable Figure in the Harleian Collection.

In regard to WALES, there are Natural and Civil Histories of several of its Counties; Surveys of Commotes, and Extents of Lands. Statutes touching the Lords Marchers, and Orders for the Observance of the Council of Wales.

Appendix, (F. 6.)

Harleian MSS.

Transcripts of the Laws of Howel Dha; Collections of particular Laws and Customs prevailing in different Parts of the Principality; Accounts of the Revenue arising from the Principality; Lists of Fee-Farm Rents; and Pleas of Quo Warranto upon Liberties claimed.

Transcripts of the Acts, Statutes and Constitutions of the Bishops of St. Davids. Taxations and Extents of Lands belonging to the Bishoprick of Bangor, and Catalogues of the Parishes, Chapels, &c. within the same. Taxations of the Lands annexed to the See of St. Asaph, and the Judgment given in Parliament on the Claim made by John de Warren, Earl of Surry, of the Custody of that Bishoprick when vacant. State, Value and Taxations of the Bishoprick of Landaff. Episcopal and other Charters. Letters Patent, and Confirmations thereof. Conventions, Popes Bulls, and other Instruments from the Year 1224, to the 32d Year of the Reign of K. Henry VIII.

The Histories of Welch Heroes, by Threes, and a plentiful Supply of Pedigrees and Genealogies of Families; together with three Volumes of useful Materials, extracted by Mr. Hugh Thomas, from a Multitude of Public Records and Private Evidences, in order to his compiling a Genealogical History of the Nobility and Gentry of Wales, and the several Families descended from them, now living in England.

The Materials relative to the CIVIL and ECCLESIASTICAL HISTORY OF SCOTLAND are still more numerous and important; amongst them are:

Descriptions, Histories, Chronicles, and State of the Kingdom.

A remarkable Transcript of John Fordun's Scotochronicon, with the Alterations, Interpolations, and Continuation, made by Patrick Russel, Monk of Scone, at the Request of Sir David Stuart, of Rossith; and Baston's Verses on the Battle of Bannocks Bourne, written in the Year 1484, and not in 1482, as Dempster, and from him Bishop Nicholson, have asserted, for the Use of William Schevez, Archbishop of St. Andrews, by his domestic Chaplain Magnus Maculloch, a Priest of the Diocese of Ross; supposed to be either the famous Black Book of Scone, or the St. Andrews Copy, or perhaps is the Original from which both of them were taken.

Another Copy of the same, but written in a Hand somewhat more modern. The Chronicle of Andrew Wyntone in Verse. Ker's, Lindsey's, and other Chronicles. A fine Copy of the Chronicle of Mailros. The Life of K. David I. written by Alred, Abbot of Rievaulx. Inventories of the Rolls or Records of Charters granted by the Scottish Kings. Extracts from the Register of the Exchequer, and Acts of the Privy Council. Authentic Copies of Treaties between the Scottish and French Kings, and Accounts of the several Privileges granted by the latter, to the Subjects of the former. Fair Transcripts of sundry public Instruments concerning the Vassalage of Scotland, and the Sovereignty of England over it, which are omitted by Mr. Rymer, in his Fœdera, and have escaped the diligent Eye of John Harding. Ancient Copies of the Regiam Majestatem; and Transcripts of Acts of Parliament and other Laws of Scotland. Atchievements, Arms, Pedigrees, &c. of the Nobility and principal Gentry of Scotland.

The Journal of the Treaty of Union; and a vast Multitude of truly valuable and interesting Papers of State, partly Originals, and partly Transcripts. Particularly, a Transcript of divers public Instruments concerning the Marriage of Mary Queen of Scots to the Dauphin of France. Letters on sundry Occasions from Mary Queen of Scots, Lord Burleigh, Sir Francis Walsingham, Sir Thomas Smith, the Earl of Murray, Queen Elizabeth, &c. And other authentic Pieces, most of them unnoticed by the Writers of those Times, but extremely useful in settling many controversial Points of the History of that unfortunate Princess, and conducive to the disclosing and clearing up the mysterious Intrigues carried on during her Troubles in France, Scotland, and England, in a better and more true Manner than hath hitherto been done either by the Oppugners of her Conduct, or by her late Advocate Mr. Gooddall, or any other of her Apologists.

Historical Accounts of the State of the Church of Scotland. Exact Transcripts of the Bulls of Popes Innocent II. Alex. III. Calixtus III. and Adrian IV. enjoining the Scots Bishops to pay Obedience to the Archbishop of York as their Metropolitan; and of the Kings of Scotland's Recognitions of that Archbishop's Right. Rentals of all the great Benefices in Scotland; Tax Rolls of the Abbey Lands; and Copies of the ancient Book of Taxations of all the Ecclesiastical Benefices in the Kingdom, called Bagimont's Roll, compiled about the same Time with that Taxation which was made of the Lands of England, by K. Edward I.

The Assistances that may be had from this Library for illustrating the HISTORY AND ANTIQUITIES OF IRELAND, are likewise equally valuable.

Chorographies of the Kingdom, and Topographical Descriptions of its Provinces. Ancient and other Histories, Chronicles and Annals as well Ecclesiastical as Civil, more particularly, a venerable Copy of the History and Prophecies of that Country, written in the 10th Century, and in the Old Irish Language. A vast Number of original Charters and Grants of Lands, given to the several Monasteries and Religious Houses in Ireland, and which F. Stafford, the Publisher of Carew's Pacata Hibernia, had taken infinite Pains in collecting. Many curious Pedigrees,

Pedigrees, with the Arms and Histories of the principal Nobility. A very ancient Transcript of Two remarkable Pieces of the old Municipal Laws of Ireland, with Commentaries and Glosses thereon. The Text in this Manuscript is so very ancient as to be coeval with the Times the Pieces relate to. The One being seemingly Part of the Bretanime, or Judicia Cælestia, with the Trial of Euna, Brother to Legarius, chief King of Ireland, for the Murder of Orane, Chariot-driver to St. Patrick, before Dubhthac, the Chief Filadha, or King's Bard; who, on that solemn Occasion, acted as sole Brehon, or Judge: With the Sentence passed thereon in the Year 430. The other, the great Sanction or Constitution of Nine; made in Favour of Christianity in Ireland, Anno 439, by Three Kings, Three Bishops, and Three Sages.

The great and constant Accession of rare Manuscripts to the Harleian Library soon pointed out to its noble Possessor the Necessity of having a Catalogue of them drawn up; but the finding a Person properly qualified for such an Undertaking, was, as well as the Task itself, extremely difficult. Lord Oxford, however, proved happy in his Choice; the Person he pitched upon for that Employment being Mr. Humphrey Wanley, whose extraordinary Genius first shewed itself when he was scarce Twenty-three Years of Age, in his compiling the Coventry and Warwick Catalogue, and occasioned him to be recommended to Archbishop Tenison, by Dr. Charlet, then Master of University College in Oxford. Mr. Wanley's Learning and Abilities were afterwards further made known to the World, by his incomparable Catalogue of the Saxon, Anglo, Danish, and Norman Manuscripts, preserved in all the public and private Libraries of England, and which accompanied Dr. Hicks's famous Thesaurus, under the suitable Title of "Antiquæ Literaturæ Septentrionalis Liber alter."

This Catalogue was begun, in the Year 1708, by the learned Mr. Wanley, who was Librarian to Robert and Edward, successively Earls of Oxford; and he appears, from several Entries in various Parts of his Manuscript Work, to have been employed herein till his Death, July 6th, 1726. From that Time the Work seems to have been laid aside, till about the Year 1733; when it was resumed, where Mr. Wanley had left off, at Number 2408, by the late Mr. Casley, Keeper of the Cottonian Library, and well known to the learned World by his Catalogue of the Royal Mannscripts. In about the Space of Three Years Mr. Casley continued the Catalogue to Number 5709.

In June 1741, died Edward Earl of Oxford, the great Enlarger of this Collection of Manuscripts, and soon after his Lordship's Trustees ordered the Catalogue thereof to be taken up a Third Time by Mr. Hocker, the Deputy Keeper of the Records in the Tower, who in less than Two Years completed it as far as Number 7355; and what remained has been lately added by the Librarians belonging to this particular Department of the British Museum.

It is proper to observe, in Justice to Mr. Casley and Mr. Hocker, that the Circumstances under which they drew up their respective Parts did not allow them the Time necessary to complete the Catalogue upon so extensive a Plan as that of Mr. Wanley; whose Part of the Work contains an Abstract of most of the historical Manuscripts, and a critical Account of many of the rest.

II.

In this State the Catalogue remained till the Year 1800, when, at the Suggestion of His Majesty's Commissioners for the Arrangement and Preservation of the Public Records of the Kingdom, the Trustees of the British Museum engaged the Reverend Robert Nares, the Under Librarian of the Manuscript Department, to revise and correct the latter Part of the Catalogue, beginning from Number 3100. It was not at first supposed that any great length of Time would be required for the Purpose of Revision; but, as the Work proceeded, it soon became manifest that, to obtain the necessary Degree of Correctness, and to make that latter Part of the Catalogue bear any Kind of Proportion to the former, would be a Matter of much Labour, and must occupy more Time than could be easily defined by Anticipation. It might indeed have been calculated, that, as Mr. Wanley, by the above Account, had employed Eighteen Years in describing 2408 Numbers; Mr. Casley and Mr. Hocker, Three and Two Years respectively, in making their Additions, in the very brief and inadequate Way in which they were executed; the complete Revision, and considerable Augmentation of near 5000 Numbers could not be performed in a very short Space. It employed, in Fact, all the Time and Diligence that could be given to it by the Librarian, till May 1806, when the Beginning of Volume the Third was sent to Press.

Nor could even this Progress have been made without the following Assistance: In the Beginning of 1801, the Rev. Stebbing Shaw, then engaged in writing the History of Staffordshire, offered his Services in examining the Topographical, Genealogical, and Heraldical Manuscripts, and the Librarian, by Permission of the Trustees, engaged him, at his own Expence, for that Purpose. This Aid, however, was not of long Duration, on account of the Illness of Mr. Shaw in the Summer of 1802, and his lamented Death, on the 28th of October that same Year; but his Diligence had performed as much as could be expected while he was employed. Mr. Shaw was fond of the Part for which he engaged, it was coincident with his other Pursuits, and auxiliary to them; and if there was a Fault in what he did, it was on the Side of Redundance rather than Deficiency.

After

Appendix, (F. 6.)
Harleian MSS.

After the Printing of the Third Volume was begun, it was discovered by the Librarian that the Numbers from 2408 to 3100 also wanted Revision, and required many Additions, to make them at all uniform with either the first or the last Part of the Work. This Task was therefore voluntarily taken up, and continued till the Summer of 1807, when other Views induced him to resign the Office of Librarian, and retire to a Country Residence. At this Period he had not advanced beyond 2700, having been much impeded by Attention to the Part which was then printing.

The chief Part of what remained was afterwards taken in hand and revised by Mr. Douce, the Successor to the former Librarian; whose Skill in executing the small Part which he undertook, will probably occasion a just Regret that he had not had a larger Share in the Work. It should not, however, be omitted, that some Additions to this Part, which now forms the latter End of the Second Volume, had been made by Mr. Planta, while he was the Librarian of that Department.

In Addition to the Historical Manuscripts already enumerated, many others were brought into Notice by this further Revision of the Catalogue.

Six curious Volumes, containing very copious Historical Collections, from the Year 1662 to 1672, had by some means been separated and overlooked in this Library. An imperfect, yet remarkable Copy of Bishop Burnett's History of his own Times, differing in many Respects from the printed Editions; and occasionally well illustrated by the Remarks of Dr. Gifford. A Description of England, written by Mich. Suriano, an Italian, probably a Venetian, in 1556. On the Subject of English Law, a large Collection of Readings on the several Statutes, and a Manuscript of Lord Coke, containing his original Notes on Littleton's Tenures, formerly one very large Volume, but now, for the Sake of Preservation, bound in Four; it contains, besides the legal Notes, many private Memorandums concerning the Author, his various Promotions, and his Family. The Genealogies of the Shirley Family, written in Latin and English by Thomas Shirley. Also a splendid Book of the Arms of Knights of the Garter, from the Foundation of the Order, blazoned in Colours, but not continued so far as intended. And the Continuation of Hector Boethius's History, from 1437 to 1586, written by Robert Lindsay, of Pitscotties.

An Enumeration of this Kind might be carried to a much larger Extent. Some Errors will doubtless appear, in a Work of such Extent and Variety; but it is hoped that, with the Aid of the ample Indexes of Persons, Places, and Matters, now subjoined to this Catalogue, such a Key to this inestimable Repository will at length be put into the Hands of the Learned, that nothing of great Value or Importance can long escape the Researches of the diligent Enquirer.

III.

ANALYTICAL TABLE OF THE MATTERS CONTAINED IN THE HARLEIAN COLLECTION OF MSS.

APPENDIX, (F. 6.)

Harleian MSS.

ADAPTED FOR THE PLAN OF A CLASSED INDEX TO MSS.

I.

THEOLOGY.

DIV. I. NATURAL RELIGION.

DIV. II. REVEALED RELIGION.

CHAP. I. *HOLY SCRIPTURES.*

SECT. 1. Entire Texts and Versions of the Bible.
2. The New Testament (Entire Text and Versions).
3. Detached Books of the Old Testament (Original Languages and Versions).
4. Detached Books of the New Testament (Entire Texts and Versions).
5. Apocryphal Books.
1. Of the Old Teſtament.
2. Of the New Teſtament.
6. Concordances, Harmonies, Dictionaries.

CHAP. II. *COMMENTATORS AND CRITICS.*

SECT. 1. Jewish.
1. Commentators.
2. Talmudical, Rabbinical, and Controversial Writers.

SECT. 2. Christian.
1. On the Criticism and Study of the Scriptures.
2. Commentators.

CHAP. III. *COUNCILS.*

Authority of Councils.

SECT. 1. Histories of Councils.
2. Decrees, Canons, &c. of the Roman Church.
3. Canons of the Reformed Church of England.

CHAP. IV. *ECCLESIASTICAL DISCIPLINE AND RITES.*

SECT. 1. Jewish Liturgies.
2. Liturgy and Rites of the Greek and Oriental Churches.
3. Liturgy and Rites, Bulls, and Indulgencies, of the Latin or Roman Church.
4. Discipline and Rites of the Foreign Reformed Churches.
5. Discipline, Liturgy, and Rites of the Church of England.
6. Discipline and Liturgies of Religious Orders.
7. Miscellaneous Offices of Devotion, viz. Horæ, Prayers by Individuals, &c.

CHAP. V. *FATHERS OF THE CHURCH.*

SECT. 1. Greek.
2. Latin.

THEOLOGY—*continued.*

DIV. II. REVEALED RELIGION—*continued.*

CHAP. VI. *MODERN DIVINES.*

SECT. 1. Of the Greek Church.
2. Of the Latin and Reformed Churches.
1. Schoolmen.
2. Commentators on the Schoolmen.
3. Dogmatic and Polemic Divines, (who have written in Defence of Religion in General, including Controversies between Protestants and Roman Catholics, &c. &c.)
4. Catechetic Divines (Creeds, Catechisms, Confessions of Faith, &c. &c.)
5. Sermons and Practical Treatises in Divinity.
6. Mystic Divines.

CHAP. VII. *MISCELLANEOUS DIVINITY, ROMISH, PROTESTANT, &c.*

DIV. III. HEATHENISM, MOHAMMEDAN THEOLOGY.

SECT. 1. Greek and Roman Mythology.
2. Mohammedan and Hindû Theology.

II.

PHILOSOPHY.

DIV. I. HISTORY OF PHILOSOPHY AND PHILOSOPHERS, (including their Epistolary Writings).

DIV. II. LOGIC AND METAPHYSICS.

DIV. III. ETHICS.

CHAP. I. *MORALS.*

SECT. 1. Antient Moral Philosophers.
2. Modern Moral Philosophers.

CHAP. II. *POLITICS.*

SECT. 1. Treatises and Essays on Politics and Government in general.
1. Antient.
2. Modern.
2. Diplomacy.
3. Political Economy, Trade, and Commerce, &c.

Appendix, (F. 6.)

Harleian MSS.

PHILOSOPHY—*continued.*

DIV. III.—*continued.*

CHAP. III. *JURISPRUDENCE.*

SECT. 1. Law of Nature and Nations.
2. Civil Law of Rome.—Commentators on the Civil Law of Rome.
3. Canon Law.
4. British Law, Public and Constitutional.
1. Succession and Title to the Crown.
2 Of the King, his Prerogative, and Supremacy.
3. Antiquity and Powers of Parliament.
4. Constitution and Privileges of the House of Lords.
5. Constitution and Privileges of the House of Commons.
6. Privileges of the Subject, and Constitution in General.

SECT. 5. Municipal Law of Britain.
1. Anglo-Saxon, Danish, and Anglo-Norman Laws.
2. History of English Law, and Treatises thereon.
3. Criminal and Crown Law.
4. Forest Law.
5. Law of Civil Rights.
i. Charters of Pardon, other Charters and Records concerning private Property, Inquisitiones post Mortem, &c.
ii. Conveyancing, Court-Keeping, Private Deeds, Stewards' Accounts, Inventories, &c.
6. Ecclesiastical Law.
i. Treatises on Ecclesiastical Law in general.
ii. Tythes appropriate and impropriate.
iii. Wills, Executors, and Administrators.
7. Statutes and Acts of Parliament.
i. Statutes in general.
ii. Particular Statutes, the Titles whereof are specified in the Description of several of the Collections in the Catalogue.
iii. Abridgements and Extracts of Statutes; Private Acts of Parliament.
8. Judicial Proceedings.
i. Court of Chancery.
ii. Court of King's Bench.
iii. Court of Common Pleas.
iv. Court of Exchequer.
v. Court of Admiralty.
vi. Ecclesiastical Courts.
vii. Star Chamber.
viii. Court of Augmentations.
ix. Duchy Court.
x. High Commission Court.
xi. Court of Wards and Liveries.
xii. Inferior Courts.
xiii. Reports, Year Books, Entries, and Pleadings.
9. Miscellanies of English Law, comprising Arguments, Charges, Common Place Books, and Legal Collections, Readings, &c. not included under any former Division.
10. Laws of Wales, Scotland, and Ireland.

SECT. 6. Foreign Laws.

DIV. IV. PHYSICS.

CHAP. I. *SCIENCES.*

SECT. 1. Natural History and Philosophy, Chemistry, Alchemy, Magic, &c.
1. Antient Authors.
2. Modern Authors.
2. Pure Mathematics, *i. e.* Arithmetic, Algebra, and Geometry.
1. Antient Authors.
2. Modern Authors.
3. Mixed Mathematics, *i. e.* Astronomy, Astrology, Mechanics, and Navigation, &c.
1. Antient Authors.
2. Modern Authors.
i. Astronomy.
ii. Astrology, Almanacks, and Ephemerides.
iii. Mechanics.
iv. Music.
(a) Antient Writers.
(b) Modern Writers.
v. Navigation.

PHILOSOPHY—*continued.*

DIV. IV.—CHAP. I.—SECT. I.—*continued.*

4. Medicine and Pharmacy,—Anatomy and Surgery,—Veterinary Art.
i. Medicine and Pharmacy—Antient Authors. Modern Authors
ii. Anatomy, Surgery, and Veterinary Art.

CHAP. II. *ARTS OF PEACE.*

SECT. 1. Arts of Design, Painting, Sculpture, Writing, Stenography, Civil Architecture.
i. Antient Writers.
ii. Modern Writers.
SECT. 2. Agriculture, and Rural and Domestic Economy.
i. Antient Authors.
ii. Modern Authors.
3. Manufactures.
4. Games and Amusements.

CHAP. III. *ARTS OF WAR.*

SECT. 1. Military Tactics.
i. Antient Authors.
ii. Modern Authors.
2. Naval Tactics.

III.
HISTORY.

DIV. I. INTRODUCTIONS TO THE STUDY AND USE OF HISTORY.

CHAP. I. *CHRONOLOGY.*

II. *GEOGRAPHY, ATLASES, AND MAPS.*
SECT. 1. Antient.
2. Modern.

III. *VOYAGES, TRAVELS, ITINERARIES, AND POLITICAL SURVEYS.*

DIV. II. UNIVERSAL HISTORY.

CHAP. I. *CIVIL HISTORY.*

II. *ECCLESIASTICAL HISTORY.*

DIV. III. PARTICULAR HISTORY.

CHAP. I. *ANTIENT (by Languages).*
SECT. 1. Greek.
2. Roman.

CHAP. II. *MODERN (by Countries).*
SECT. 1. England.
1. Topography of England (comprising County Histories, Heraldic Visitations of Counties, Surveys of particular Places, Grants, Cartularies, and Registers of Religious Houses, &c. &c.)
2. Civil History of England—Narrative.
i. Collections, illustrative of the General History and Antiquities of England, Coronations, &c.
ii. Chronicles and antient Histories of England.
(A.) BEFORE THE CONQUEST.
(a) During the Time of the Antient Britons and Romans.
(b) During the Time of the Saxons.
(c) During the Time of the Danes.
(d) During the Time, both of the Saxons, and of the Danes.
(B.) Annals, Chronicles, Histories, SINCE THE CONQUEST, and Memoirs of particular Reigns.
iii. History of England, during particular Reigns, and Memoirs relative thereto.
iv. Accounts of Military and Naval Expeditions, undertaken by British Forces.
v. Parliamentary History of England, including the History, Debates, and other Proceedings of Parliament.

HISTORY—*continued.*

DIV. III.—CHAP. II.—SECT. 1.—*continued.*

3. Civil History of England.—Documentary.
   - i. Royal Charters connected with British History.
   - ii. Diplomatic Instruments, viz. Treaties, Instructions to Ambassadors, Correspondence, &c. Chronologically arranged.
   - iii. Proclamations, Journals, and Books of the Privy Council.
   - iv. Parliamentary, viz. Rolls and Journals of Parliament.
   - v. Mint—Public Revenue—and Royal Expenditure.
     1. Coin and Money of England.
     2. Mint.
     3. Public Revenue, Aids, Taxes, Subsidies, &c.
     4. Royal Expenditure and Estates.
   - vi. Ordnance and Military Documents.
   - vii. Admiralty and Navy, Victualling and Manning thereof.
   - viii. Trade.
   - ix. Customs, Excise.

4. Ecclesiastical History of England.

SECT. 2. History of Scotland.

1. Topography of Scotland, comprising County Histories, Surveys, Cartularies, and Registers of Religious Houses, &c.

2. Civil History of Scotland—Narrative.
   - i. Collections, illustrative of the General History, &c. of Scotland.
   - ii. Chronicles and antient History,—Memoirs of particular Reigns.
   - iii. History of Scotland, during particular Periods.

3. Civil History of Scotland—Documentary.
   - i. Royal Charters, and other Records.
   - ii. Diplomatic Instruments, viz. Instructions to Ambassadors, and other State Papers.

4. Ecclesiastical History of Scotland.

SECT. 3. History of Wales.

1. Topography of Wales, (comprising County Histories, Surveys of particular Places, Grants, Cartularies, and Registries of Religious Houses, &c. &c.)
2. Civil History of Wales.

SECT. 4. History of Ireland.

1. Topography of Ireland.
2. Civil History of Ireland.
   - i. Narrative.
   - ii. Documentary, (comprising Official Lists, &c. relative to the Settlement and Government of Ireland).

SECT. 5. Islands forming Part of Great Britain.

- i. Norman Isles.
- ii. Other Isles.

SECT. 6. History of European States (geographically disposed from the North to the South of Europe).

1. Denmark.
2. Sweden.
3. Russia.
4. Poland.
5. Germany.
   - i. Germanic Empire.
   - ii. Austria.
   - iii. Palatinate.
   - iv. Other German States.
6. The United Provinces and the Netherlands.
   - i. The United Provinces.
   - ii. The Netherlands.
7. France.
   - i. Topography of France.
   - ii. Civil History — Narrative (comprising Chronicles, Antient History, and Memoirs of particular Reigns).
   - iii. History during particular Periods.
   - iv. Documentary, — (comprising Treaties, Memorials, and other Diplomatic Papers).
8. Spain.
9. Portugal.

HISTORY—*continued.*

DIV. III.—CHAP. II.—SECT. 6.—European States—*continued,*

10. Italy.
    - i. Collections relative to Italian History in general.
    - ii. Collections relative to the History of Rome and the Roman See.
    - iii. History of other Italian States (alphabetically disposed).
11. Turkey.

SECT. 7. History of Asiatic Countries.
SECT. 8. History of America.

DIV. IV. BIOGRAPHICAL HISTORY.

CHAP. I. *CIVIL BIOGRAPHY.*

SECT. 1. Antient Biography, including Letters.
2. Modern Biography.
   1. British (including Letters, Trials, Speeches, &c.)
   2. Foreign Biography.

II. *ECCLESIASTICAL BIOGRAPHY.*

(comprising Martyrologies, the Lives, Acts, Miracles, Passions, &c. of Saints, Fathers, Popes, Cardinals, and others, of the Greek and Latin Churches.)

III. *GENEALOGIES.*

SECT. 1. English Genealogies and Pedigrees.
2. Welsh Genealogies and Pedigrees.
3. Scottish Genealogies and Pedigrees.
4. Irish Genealogies and Pedigrees.
5. Foreign Genealogies and Pedigrees.

DIV. V. MONUMENTAL HISTORY.

CHAP. I. *INSCRIPTIONS, EPITAPHS, AND SEALS.*

II. *HERALDRY.*

SECT. 1. History and Regulations of Heralds.
2. History of Orders of Knighthood, British and Foreign.
   1. History of British and Foreign Orders of Knighthood.
   2. Knights and Knighthood in general.
3. English Heraldical Miscellanies.
   (Comprising Miscellaneous Heraldical Treatises and Collections, Claims of Dignities and Titles of Honour, Precedency of Nobility and Gentry, Grants and Displays of Arms, the Practice of the Earl Marshal's and other Military Courts of Honour, Justs, and Tournaments, Single Combats, &c. &c.)
   1. Miscellaneous Heraldical Treatises and Collections.
   2. Dignities and Titles of Honour,—Claims and Creations of Dignities.
      - (*a*) Descent of Dignities.
      - (*b*) Claims of Dignities in Abeyance.
      - (*c*) Creations and Grants of Dignities.
   3. Nobility.—Precedency.
   4. Arms, Grants and Displays thereof.
      - (*a*) Arms in General.
      - (*b*) Grants of Arms.
      - (*c*) Alphabets and Displays of Arms.
   5. Earl Marshal's and other Military Courts of Honour.
   6. Justs and Tournaments, Single Combats.
4. Welch Heraldical Miscellanies.
5. Scottish Heraldical Miscellanies,
   (comprising Scottish Arms, and Creations of Dignities, &c.)
   1. Scottish Arms.
   2. Creations of Dignities, &c.
6. Irish Heraldical Miscellanies.
   (comprising Arms, Creation of Dignities, &c.)
   1. Irish Arms.
   2. Creations of Dignities, &c.
7. Foreign Heraldical Miscellanies.

DIV. VI. NUMISMATICS.—ANTIQUITIES.

Appendix, (F. 6.)

Harleian MSS.

IV.

LITERATURE.

Div. I. GRAMMAR.

Chap. I. *ALPHABETS AND DICTIONARIES OF LANGUAGES.*

Sect. 1. Alphabets.
2. Dictionaries of Languages.
i. Arabic.
ii. Hebrew.
iii. Persian and Turkish.
iv. Greek, Latin, and other Languages.

II. *TREATISES AND ESSAYS ON GRAMMAR, in various Languages.*

Sect. 1. Antient Grammarians.
2. Modern Grammarians.
3. Grammars of particular Languages.
i. Arabic.
ii. Armenian.
iii. Hebrew.
iv. Persian.
v. Greek.
vi. Latin.
vii Other Languages.

III. *PHILOLOGY AND CRITICISM.*

Div. II. RHETORIC.

Sect. 1. Treatises on Rhetoric.
1. Antient (Greek and Latin).
2. Modern.
2. Orators.
1. Antient (Greek and Latin).
2. Modern.

LITERATURE—*continued.*

Div. III. POETRY.

Chap. I. *METRICAL.*

Sect. 1. Greek Poets.
1. Epic, Lyric, &c.
2. Dramatic.
2. Roman Poets.
1. Epic, Bucolic, Lyric, &c.
2. Dramatic.
3. English and Scottish Poets.
4. French Poets.
5. Italian Poets.
6. Modern Latin Poets.
7. Oriental Poets.

Chap. II. *OTHER WORKS OF IMAGINATION, NOT METRICAL.*

Sect. 1. Antient (Greek and Latin).
2. Modern (English, French, &c.)

Div. IV. BIBLIOGRAPHY.

Sect. 1. Typographical History and Antiquities.
2. Catalogues of MSS. and Printed Books.

Div. V. LITERARY MISCELLANIES.

Chap. I. *PROVERBS, APOPHTHEGMS, &c.*

Sect. 1. Antient.
2. Modern.
1. Oriental.
2. European.

II. *MISCELLANEOUS AND LITERARY TRACTS.*

(Comprising Common Place Books, Adversaria, and other Tracts, not included under any preceding Class or Division.

Appendix, (F. 7.)

Account of Lansdowne MSS.

THE Burleigh Papers form the First Division of the Lansdowne MSS. One Volume of these Papers contains Copies of Charters and other Documents of an early Period; but the Remainder, amounting to One Hundred and Twenty-one Volumes in Folio, consist of State Papers, interspersed with Miscellaneous Correspondence, during the long Reign of Queen Elizabeth; and among these is the private Memorandum Book of Lord Burleigh.

The Second Division of the Lansdowne MSS. comprizes the Papers and Correspondence of Sir Julius Cæsar, Judge of the Admiralty in Queen Elizabeth's Time; and Chancellor of the Exchequer, and Master of the Rolls, in the Time of James I. and Charles I. Of Fifty-four Volumes in this Series, Thirty-one relate directly or in Part to Admiralty Concerns; Ten to Court of Request, Chancery, Treasury, and Exchequer Business; Three to Ecclesiastical Matters; One contains Treaties; Two are Catalogues of the Cæsar Papers; and Seven are Historical, Parliamentary, &c.

The Third and laft Division of these MSS. is the largest, and comprehends many valuable Works upon various Subjects. Amongst these are, a fair Transcript of Andrew of Wyntown, and a most beautifully illuminated Copy of Hardyng's Chronicle, as it was presented to King Henry the Sixth; and Two Volumes of Letters, &c. written by royal, noble, and eminent Persons of Great Britain, from the Time of King Henry the Sixth to the Reign of His present Majesty; the greater Part Originals. Here are also Eleven Volumes of the Papers of Dr. John Pell, Envoy from Oliver Cromwell to the Protestant Cantons of Switzerland between 1654 and 1688, and Five Volumes of Sir Paul Rycaut's Papers. These latter Volumes contain not only Letters, &c. of a public Nature while Sir Paul Rycaut was Secretary to the Earl of Clarendon in Ireland in the Reign of James II. but also his Letters and Papers relating to public Transactions while resident at Hamburgh and the other Hanse Towns.

Upon Coin and Coinage there is a valuable Work, which seems to have been intended for Publication by its Author, entitled, " Brief Memoires relating to the Silver and Gold Coins of England, with an " Account of the Corruption of the hammer'd Monys, and of the Reform by the late grand Coynage at the " Tower, and the Five Country Mints, in the Years 1696, 1697, 1698, and 1699," by Hopton Haynes Esq. Assay Master of the Mint, 1700.

The Heraldical and Armorial Manuscripts in this Collection, are numerous; and a large Collection of Papers of the Fifteenth Century, illustrating the Institutions of Chivalry in England. In Illustration of the History of Scotland there is " A Collection of Laws, Statutes, Orders, Commissions, and Treaties, relating to the Marches or " Borders of Scotland, as made and agreed on by the respective Sovereigns of England and Scotland, from 1249 " to 1597;"

Of the Kennet Papers, many relate to English Ecclesiastical History, containing Notes from various Abbey and Cathedral Registers, with Transcripts from many old manuscript Tracts and printed Books, Collections for the History of Convocations, &c.; Eight Volumes are Dr. Hutton's Collections from Ecclesiastical Records, the Two last including some Notes only by Bishop Kennet; Eleven Volumes contain the Bishop's biographical Memorials, mostly of the English Clergy, from 1500 to 1717; Eight relate to the Church and Diocese of Peterborough. Some of these Manuscripts have been the Materials for the Bishop's printed Works, but the larger and more miscellaneous Quantity, particularly in Biography and Local History, have been unused.

In this Division there are also several old Collections of Statutes, written on Vellum, from the earliest Date down to 23 Hen. VI.; also a " Treatise on the Court of Star-Chamber by William Hudson Esq.;" a Collection of Royal Proclamations from 19 Hen. VII. to 17 Car. I.; and several Manuscripts which relate to Parliamentary History and Proceedings, principally Transcripts. There is also a Transcript of the Testa de Nevill and Fifteen Volumes of Selections from the Patent Rolls preserved in the Tower.

The last and strongest Class of this Third Division of the Lansdowne Manuscripts, is that of Topography, comprising Mr. Warburton's Collections for Yorkshire; and also the Chartularies of the Abbies of St. Alban, Lunda, Gerondon and Chertsey.

HENRY ELLIS.

Appendix (G.)

Appendix, (G.)

Authentic Collection of the Statutes.

Plan for an Authentic Collection of The Statutes of the Realm.

Minutes of the Board of 25th March 1811.

AT A BOARD, Holden at the House of the Right Honourable The Speaker of The House of Commons, on Monday the 25th Day of March 1811.

PRESENT.

The Right Hon. Charles Abbot, Speaker of the House of Commons;
The Right Hon. Sir William Grant, Master of the Rolls;
The Right Hon. Lord Frederick Campbell;
The Right Hon. John Baron Redesdale;
The Right Hon. Sylvester Baron Glenbervie;
The Right Rev. John Lord Bishop of London;
The Right Hon. Charles Bathurst.

A Printed Copy of the First Volume of the Authentic Collection of The Statutes of the Realm having been this Day produced to the Board;

RESOLVED—That there be laid before His Royal Highness the Prince Regent in Council, a Report of the Progress made in the said Work, together with a Printed Copy of the said Volume.

And a Report being now prepared accordingly, and agreed to by the Board, the same was signed by the several Commissioners present.

Report

Of the Commissioners for executing the Measures recommended by The House of Commons, respecting the Public Records of the Realm.

TO HIS ROYAL HIGHNESS
GEORGE PRINCE OF WALES,
REGENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
IN COUNCIL.

WE, The Commissioners constituted and appointed by His Majesty's Royal Commission, bearing Date the Twenty-third Day of May 1806, in the Forty-sixth Year of Majesty's Reign, for carrying into Execution the Measures recommended in the Report made by the Select Committee of the House of Commons, in the Year 1800, with respect to the State of the Public Records of the Kingdom, and the Necessity of providing for the better Arrangement, Preservation, and more convenient Use of the same, and the printing of certain of the more antient and valuable amongst them, Do most humbly beg leave to certify to Your Royal Highness;

That, in the Execution of our Commission We have, among the other Matters referred to Us, proceeded to carry into Effect so much of the Measures recommended by His Majesty's Faithful Commons, as related to the preparing and printing a complete and authentic Collection of The Statutes of the Realm;

And,

And, having, by virtue of the said Commission, nominated and appointed several learned Persons, of Ability, Care, and Diligence, upon whose Fidelity we could sufficiently rely, to be our Sub-Commissioners, and under our Direction and Controul to be assisting to Us in the Premises; and having also, upon the Reports of the said Sub-Commissioners, made to Us from Time to Time, fully considered as well of the Mode of preparing and completing the said Collection, as of the several Matters to be included therein, We have directed the said Sub-Commissioners to methodize and arrange all such Materials, as appeared to Us to be necessary for completing and duly setting forth the said Collection, and to distribute them under the following Heads:

First, An Introduction; containing an Account of all former printed Collections, Translations, and Abridgements of the Statutes, and of the Plans heretofore proposed for an Authentic Publication, or for the Revision, of the Statutes; together with an Account of The Charters prefixed to this Collection; The Matters inserted therein, and their Arrangement; The Nature of the several Records, and other Sources from whence the said Collection has been made, and the Mode adopted in making and printing the same; The Original Language of the Charters and Statutes, and the Translation annexed to this Collection of the Statutes; and also An Account of the Collections of the Statutes of Scotland and Ireland heretofore published by Royal or Parliamentary Authority; with the Methods successively adopted for promulgating the Statutes before and since the Union of Great Britain and Ireland: —Secondly, The Text of The Charters of the Liberties of England, granted by King Henry I., King Stephen, and King Henry II.; and also the Great Charters and Charters of the Forest, granted by King John and King Henry III., and The Charters of Confirmation granted by King Edward I.—Thirdly, A Chronological Table of the Statutes, and Instruments illustrative thereof, contained in this Collection; distinguishing all Matters inserted therein, which had not been inserted in any former Printed Collection of Statutes, and specifying the several Sources from which every Statute and Instrument is respectively derived; and the Language in which such Statute or Instrument is written:—Fourthly, The Text of The Statutes and relative Instruments, with Notes of various Readings where necessary:—Fifthly, The common Translation of all Matters printed and translated in former Collections of the Statutes, with occasional Notes of Emendation; and also A Translation of Matters not translated or inserted in such former Collections:—Lastly, An Alphabetical Index of Matters.

In prosecuting this Work, the Learning, Skill, and Diligence of Our Sub-Commissioners have been long and laboriously employed: And We now beg leave to lay before Your Royal Highness this, the First Volume of their Labours: Humbly assuring Your Royal Highness, that it has been our earnest Desire and Endeavour that all the several Charters, Statutes, and other Instruments contained in this Collection, should be taken from the most Authentic Records and Manuscripts now known to be extant; and presuming to hope that this has been accomplished with the Fidelity and Accuracy so peculiarly required, in a Work designated by His Majesty's Faithful Commons, as highly expedient to be undertaken for the Honour of the Nation, and for the Benefit of all His Majesty's Subjects.

Dated 25 March 1811.

CHARLES ABBOT. (L. S.)
WILLIAM GRANT. (L. S.)
FREDERICK CAMPBELL. (L. S.)
REDESDALE. (L. S.)
GLENBERVIE. (L. S.)
J. LONDON.* (L. S.)
CHARLES BATHURST. (L. S.)

* *Memorandum.*—Dr. John Randolph, now Lord Bishop of London, named in the Commission, dated 23 May 1806, as then "John Lord "Bishop of Oxford."—His Lordship held the See of Bangor in the Years 1807, 1808, and 1809, and signed the Annual Certificates as such.

Introduction to the Authentic Collection of the Statutes.

Appendix, (G.)

Historical and Explanatory Introduction.

CHAP. I.

Sect. I.—*Of the former printed Collections, Translations, and Abridgements of the Statutes.*

Sect. II.—*Plans heretofore proposed for an Authentic Publication, or for the Revision of the Statutes.*

SECT. I.

Former printed Collections, Translations, and Abridgements of the Statutes.

AN Historical Enumeration and Deſcription of antecedent Publications of the Statutes, will best contribute to a right Understanding of the Necessity, and Origin of the present Undertaking; and of the Principles upon which it has been planned and executed.

All the Publications in print of General Collections, Translations, and Abridgements of the Statutes, and of the Acts of particular Sessions, which have been hitherto discovered, are specified in Two Catalogues subjoined to this Introduction.

The Statute Rolls previous to the Beginning of the Reign of Henry VII. being sometimes in Latin and sometimes in French, and from that Time uniformly in English, the Printed Editions, according to their several Periods, contain the Statutes, either 1st, In the Languages in which they were respectively passed, proclaimed, or printed; during various Periods from the Time of Hen. III. to the End of the Reign of Ric. III. without any Translation: Or, 2dly, Translated for the whole or some Part of those Periods; and during subsequent Periods in English: Or, 3dly, In Latin and in French respectively to the End of Edward IV. or Ric. III. inclusive, with or without a Translation; and in English from the Beginning of Ric. III. or of Hen. VII.

The earliest of the Printed Editions or Collections above referred to, is an Alphabetical Abridgement of Statutes, as well previous as subsequent to Edw. III. in Latin and French, the latest Statute in which is 33 Hen. VI. A.D. 1455. This is supposed to have been published before 1481.

Another very early Edition, but supposed to be later than the preceding, and to have been printed about 1482, is a Collection of the Statutes, not abridged, from 1 Edw. III. to 22 Edw. IV. in Latin and French: This and the preceding Article are attributed to the joint Labours of the Printers Lettou and Machlinia.

The Statutes passed in the only Parliament holden by Richard III. were printed in French, by Caxton or Machlinia, or both, soon after they were passed, this being the first Instance of a Sessional Publication. The like Course was observed in the Reigns of Henry VII. and Henry VIII. from which Time the Statutes appear to have been regularly printed and published at the End of each Session.

The Collection printed by Pynson, probably about the Year 1497, 13 Hen. VII. but certainly before 1504, 19 Hen. VII. contains the Statutes from 1 Edw. III. to 1 Richard III. inclusive, in Latin and in French respectively; and those from 1 to 12 Hen. VII. in English.

The small Edition of the Antiqua Statuta, first printed by Pynson in 1508, and afterwards frequently reprinted, contains Magna Carta, Carta de Foresta, the Statutes of Merton, Marlbridge, Westminster 1. and 2., and other Statutes previous to 1 Edward III. in Latin and French respectively. These are the earliest Printed Copies now known of those Statutes.

The Abridgement of the Statutes in *English*, to 11 Hen. VIII. translated and printed by John Rastall, is preceded by a Preface on the Propriety of the Laws being published in English. This appears to be the first *English* Abridgement of the Statutes: and it helps to ascertain the Period when the Statutes were first "endited and "written" in English; as the Preface ascribes that Measure to Henry VII. Subsequent English Abridgements were published at various Times by Rastall and other Printers.

Various

Various Editions of the Alphabetical Abridgement of the Statutes, above mentioned as published before 1481, were from Time to Time printed; enlarged by the Abridgement of subsequent Statutes: Of these the Edition by Owen, including the Statutes of 7 Hen. VIII. was printed in 1521. An Appendix, containing the Abridgement of the Acts of the next ensuing Session, 15 Hen. VIII. was printed in 1528, when a Title was added. These Collections form an Exception to the general Description of the Edition of the Statutes; for not only the Statutes previous to and in the Reign of Ric. III. are abridged in Latin or French, but the Abridgement of the Statutes of Hen. VII. and Hen. VIII. is in French, although they were originally passed and printed in English.

In 1531 Berthelet printed an Edition of the Antiqua Statuta, similar to the Editions by Pynson, with some Additions. In 1532 Berthelet also printed a Collection of the Statutes previous to 1 Edw. III. not included in the Antiqua Statuta. This Collection he entitled "Secunda Pars Veterum Statutorum," and it is always so distinguished: It was frequently reprinted. The Statutes contained in it are in French and Latin respectiveiy.

Neither in the Antiqua Statuta by Pynson, nor in the Secunda Pars Veterum Statutorum, were the Contents arranged with any Chronological Accuracy: In the Antiqua Statuta the Two Charters, and the Statutes of Merton, and Marlbridge, and Westminster 1 and 2, are placed first, and the other Matters follow in a very confused Manner. No better Order is preserved in the Secunda Pars. These Two Parts of the Vetera Statuta were frequently reprinted together. The Edition of them by Tottell in 1556 is the most known: This varies from Pynson's and Berthelet's, in some Readings of the Text of the Statutes; and it is enlarged by the Addition of "certain Statutes with other needful Things taken out of Old Copies examined by the Rolls," printed at the End of the First Part. Editions by Tottell in 1576, and 1587, and later Editions by various Printers, insert only a partial Selection of Antient Statutes, with further various Readings, and add some modern Statutes. On a Comparison, made for the Purpose of ascertaining the Fact, there is Reason to conclude that the Copy used by Lord Coke in his Second Institute was that of 1587.

The earliest Printed Translation, not abridged, of the Charters, and of several Statutes previous to 1 Edw. III. appears to have been made by Ferrers, a Member of Parliament, from the Editions of the Vetera Statuta and Secunda Pars before noticed; It was first printed in 1534, and contains the greatest Part, but not all, of the Matters included in those Editions, but does not arrange them in Chronological Order. In 1540 and 1542, other Editions of this Translation were published, with some Amendments and Additions.

In 1543, The Statutes in English, from the Time of Henry III. to 19 Hen. VII. inclusive, chronologically arranged, were printed by Berthelet, in one Volume, Folio. It has not been satisfactorily ascertained that any complete chronological Series of the Statutes from Magna Carta to 1 Edw. III., either in their Original Language, or in English, or that any Translation of the Statutes from 1 Edw. III. to 1 Hen. VII. had been published previous to this Edition by Berthelet; though some Books refer to Editions by Berthelet as of 1529 and 1540. It appears probable that the Translation in this Edition by Berthelet was made from the small Editions of the Vetera Statuta and Secunda Pars, and from Pynson's Edition of the Nova Statuta 1 Edw. III. to 1 Ric. III. inclusive. This Edition contains some Translations, particularly of the *Dictum de Kenilworth*, not included in either of the Editions of Ferrers's Translations: With respect to the others previous to 1 Edw. III. it agrees in general with the Second Edition of Ferrers's Translation; and Cay, in the Preface to his Edition of the Statutes, conjectures that the Whole of the Translation in this Edition was made by Ferrers. No Translation of the *Statuta Walliæ* 12 Edw. I. is given either by Ferrers or in any subsequent Edition: Several other Statutes also have been always printed without Translations.

"The Great Boke of Statutes" commences with 1 Edw. III. and ends with 34 Hen. VIII. It is entirely in English. It appears to have been published at different Times, in separate Parts; and it seems not unlikely that the earliest Part may have been published previous to the English Edition printed by Berthelet in 1543, from which it differs in some Particulars: Of such Difference one Instance is the Insertion of Cap. 7. of 2 Ric. II. Stat. 1. respecting Pope Urban, which is omitted in Berthelet 1543 and subsequent Editions; from whence it seems probable that this Part was published before the severe Prohibitions, by the Acts of Hen. VIII. against acknowledging the Papal Power.

William Rastall (or Rastell) who in 1557 published his first Edition of a Collection of all the Statutes which were before that Year imprinted, was a Serjeant at Law; and was made a Judge in 1558. In this Collection the Statutes are distributed under apt Titles in Alphabetical Order, the Preambles for the most Part being omitted, and a brief Mention only made of such Statutes as were expired or repealed, or of a private or local Nature. It gives all the Statutes to the End of Richard III. in Latin or in French, as they were at first published; and all the subsequent Statutes in English. The same Collection, having the Statutes prior to Henry VII. translated into English, instead of being inserted in their Original Language, was printed about 1579, and reprinted very

Appendix, (G.) Historical and Explanatory Introduction.

frequently afterwards, until 1621. In these successive Editions, the New Statutes were from Time to Time abridged, and inserted under their proper Titles. The Translation contained in this Collection appears to have been executed with superior Care and Industry; where it borrows from foregoing Versions, it, occasionally, amends what was faulty: Translations are inserted in it of some Matters not before translated; of others, Translations entirely new and more faithful are given; and the Whole was sedulously revised from Time to Time; the later Editions, particularly those of 1591 and 1603, correcting Errors which had escaped Notice in the earlier Editions. Rastall died in 1565, and it is not known by whom these English Editions of the Collection bearing his Name, were prepared, or edited.

The Edition of the Statutes in English, by Barker, in Two Volumes Folio, frequently bound up in one, ending with 29 Eliz. the Title to which affords the earliest Instance of the Term "Statutes at Large," agrees in general, as to the Statutes previous to 1 Hen. VII. with the English Edition by Berthelet in 1543.

After the Edition of Rastall's Collection in English in 1579, it does not appear that any of the Statutes from 1 Edw. III. to 1 Hen. VII. were printed in Latin or French, until some of them were so printed in the Edition by Hawkins in 1735.

The English Edition 1618, which in the Title Page is said to contain all the Acts at any Time extant in Print until 16 Jac. I. published by the King's Printers, Norton and Bill, in Two Volumes large Folio, is usually called "Rastall's Statutes:" although the Editor of the Collections before noticed, had been long deceased. The latest Acts inserted in this Edition are of 7 Jac. I. being the last Session preceding the Publication. The Translation of the Statutes previous to Hen. VII. does not follow the improved Translation adopted in the Editions of Rastall's Collection in English; it agrees with the Translations of Berthelet 1543, and Barker 1587; except that it is not so correctly printed.

In the same Year 1618, a Collection, in English, of sundry Statutes frequent in Use, ending with 7 Jac. I. was published by Pulton. Several Statutes, not included in the Edition called Rastall's 1618, are for the first Time translated in this Edition, and are so noted to be in the Preface; the most important of these are, Ordinatio pro Statu Hibernie, as of 17 Edw. I. but being, in Fact, of 17 Edw. II.;—Ordinatio Forestæ, 34 Edw. I.;—De Asportatis Religiosorum, 35 Edw. I.;—De Terris Templariorem, 17 Edw. II. Several subsequent Editions of this Collection were printed after the Death of Pulton: Those of 1635 and 1640 are remarkable for giving the progressive Answers to the Petition of Right, 3 Car. I. and the King's Speech on pronouncing the Assent, "Soit droit "fait come il est desiré:" which are not contained in any other general Collections, though they were printed by Authority in the Sessional Publication of the Statutes of that Year.

As this English Edition by Pulton has been much copied by subsequent Editors of the Statutes, it deserves particular Notice.

The original Edition published in 1618, contained many Corrections of the then existing Translation, by rendering it more conformable to the Records in the Tower; and further Corrections were from Time to Time made in the subsequent Editions: But several Errors and Inconsistencies were suffered to remain in consequence of the Translation following the old Printed Copies of the Latin and French Text, which frequently differ from those Records. Some of the Corrections made in the various Editions of the English Collection called Rastall's, were indeed adopted; but several Matters translated in Rastall's English Collection, are not included in Pulton's, particularly several of the Statutes of uncertain Date, usually classed together after the Reign of Edw. II. A Change of Phraseology also is occasionally made in Pulton, not always to the Improvement of the Translation. Titles are put at the Heads of the several Chapters, which are in fact intended as Abridgements of their Contents, and which were not given in former Editions to the Chapters of any Statute previous to Edw. IV.: though in the Chronological Table of Statutes subjoined to Rastall's Collection, Titles of a similar Kind occur from the Beginning of the Reign of Edward III. Several Parts or Chapters of the Statutes subsequent to 1 E. III. are omitted, and only noticed by the Titles or Abridgements.

From 1618 to 1735 the great Body of the Statutes continued to be published entirely in English; but the small Collections of the Statutes previous to 1 Edw. III. in French and Latin, were frequently reprinted till after 1618, and these were succeeded by the Collection in Lord Coke's Second Institute. The Editions bearing the Name of Pulton were continued from Time to Time from 1618 to 1670; the last by Manby, who had previously edited the Statutes passed in the Time of Car. I. and Car. II.

During the Usurpation partial Collections of Acts for different Series of Years were published, from 1646 to 1654; and an authentic Collection by Scobell the Clerk of the Parliament, from 1640 to 1656. After the Restoration, Editions of the Statutes Car. I. and Car. II. were published by the King's Printers and others.

In

In 1676 Keble's Edition of the Statutes at Large, ending with 27 Car. II. was published by the King's Printers, "carefully examined by the Rolls of Parliament." This Edition is in many Instances more correct, as to the Statutes subsequent to Hen. VII. than the Editions by Barker or Pulton, or that called Rastall's 1618: It was from Time to Time reprinted, and continued by additional Volumes. The Translation of the Statutes previous to Henry VII. contained in all the Editions called Keble's, was copied from the latest Edition of Pulton.

The Edition of the Statutes by Serjeant Hawkins, published in 1735 in Six Volumes Folio, ending with 7 Geo. II. contains the respective Latin and French Texts of most of the Statutes to 8 Edw. IV. with Translations of such as had been before translated, and as appeared to him to be in force or use: Of some of these Statutes a Translation only is given, without the Original Text: Of the Statutes and parts of Statutes considered by him as obsolete, or which are expired or repealed, the Original Text is given without a Translation, and occasionally an Abridgement without either the Text or Translation. From his Preface he seems not to have been aware that the early Statutes had ever been printed in Latin or French, in any Collection except the Second Institute of Lord Coke; and he gives the Text from the Statute Rolls in the Tower, from ancient Manuscripts, or from the Second Institute; all in many Instances varying from the earliest Printed Editions. An Appendix is subjoined to the Sixth Volume, containing the Text of some of the more antient Statutes, which are omitted, or of which Translations only are given in the Body of the Work; "together with some antient Records of Statutes omitted in the "Statute Roll, but entered in other Parliamentary Records." Upon the Subject of the Translation, Hawkins thus expresses himself in his Preface: "It was proposed to make a new Translation of the French and Latin "Statutes, and it must be owned that there are some Mistakes in the Old Translation, but it having, by its long "Use, obtained a kind of prescriptive Authority, and seeming for the most Part to have been done with greater "Learning and Accuracy than can be expected from any modern Hand, willing to undertake a Work of such "Difficulty, and it being easy for the Reader to correct the Mistakes in it by the Help of the Original, it was "judged most proper to retain it."

Cay's Edition of the Statutes, published in 1758, in Six Volumes Folio, ending with 30 Geo. II. is very much upon the Plan of Hawkins's Edition, with the following Additions: In cases where the Statutes are printed from the Statute Rolls in the Tower, the Numbers of the respective Membranes of the Rolls are quoted; and in other Cases the several Manuscript Authorities from which they are printed are distinctly cited. The Latin and French Text respectively of several Statutes prior to Edw. III. and the French Text of the Statutes 23 Hen. VI.; 12, 14, 17, and 22 Edw. IV. which had been omitted by Hawkins, are given from Manuscripts. Several Instruments, not included in the previous Editions by Hawkins, Pulton, and others, are inserted from the early Printed Copies, and some Matters not contained in any former Edition of the Statutes, are printed from the Parliament Rolls. The Translation of the Statutes previous to Hen. VII. is the same as Keble's and Pulton's: In his Preface, Cay attributes the whole of that Translation to George Ferrers, in the Time of Hen. VIII. and speaks thus of it: "It is not a good one, and the Mistakes in it are very numerous and considerable: It has often been desired that "a new Translation should be made, but as this has been used for some Ages, not only by the Public in general, "but even by the Parliament, and many Statutes are recited in subsequent Acts in the Words of this Translation, "it seems to be too much authenticated for an Editor to presume to reject it."

The Editions by Hawkins and Cay were for some Time continued by several Volumes containing the Statutes of subsequent Years.

In 1762 was printed the First Volume of an Edition of the Statutes at Large, which was completed in 1765, by Ruffhead, in Nine Volumes Quarto, ending with the Statutes of 4 Geo. III. In this Edition is included all that was comprehended in Cay's. Several Matters, however, which by Cay were inserted in the Body of his Work, were printed by Ruffhead in an Appendix subjoined to the Ninth Volume; and in this Appendix are also introduced some Acts of Henry VII. and of subsequent Reigns, taken from former Printed Copies, and also from the Parliament Rolls, and the Inrollments of Acts in Chancery. This Edition was reprinted in 1769, &c. and has been regularly continued from time to time by Volumes containing the Statutes of subsequent Years.

Pickering's Edition of the Statutes at Large, in Twenty-three Volumes Octavo, ending with the Statutes 1 Geo. III. was printed at Cambridge, and published at various Times between 1762 and 1766. A Twenty-fourth Volume containing the Preface and Index was published in 1769. This Edition contains the same Matters, and for the most part, in the same Order, as Cay's Edition; with the Addition of the Statutes afterwards passed, and also of some Instruments and Translations from former Printed Copies, and other Sources, which "though "deemed antiquated" were added "on account of their Public or Constitutional Importance." In an Appendix subjoined to the Twenty-third Volume, some of the Matters are inserted which are contained in Ruffhead's Appendix. This Edition also has been regularly continued by subsequent Volumes published from Time to Time.

APPENDIX, (G.)

Historical and Explanatory Introduction.

It should be observed, that the Matters for the first Time introduced by Hawkins, Cay, Ruffhead, and Pickering respectively, are few in Number; and that some of them are clearly not entitled to the Character of Statutes. It is evident also that Ruffhead and Pickering took, each, Advantage of the Circumstance of their Editions being in the course of Publication during the same Period; and that, in the Insertion of new Matters, they by turns borrowed from each other.

Neither Hawkins, Cay, Ruffhead, nor Pickering take any Notice of the French Text of the Statutes of Richard III. which have been stated by some Writers to have been originally in English; whereas the Editions of the Nova Statuta by Pynson, Rastall's Collection, and the Sessional Publication of the Statutes of Richard III. prove that the Statutes of that Reign were originally published in French: although, in and after the Reign of Henry VI. many Bills, in the Form of Acts, are entered on the Parliament Roll in English.

The Translation now chiefly in Use, which was first inserted in Pulton's Edition 1618, and thence copied, with a few Corrections, into subsequent Editions, and afterwards into those of Keble, Hawkins, Cay, Ruffhead, and Pickering successively, does not answer wholly, either to the Text as given from the Records or Manuscripts, or to the Text of any of the Old Printed Editions; the Translation having been in part altered by Pulton and other Editors to suit it to the Text, as taken from the Record, and being in part suffered by them to remain, as in the earliest Editions, without making the Alterations necessary to remedy Errors, which were equally repugnant to the Old Printed Copies and to the Record. Throughout the whole Translation also Sentences are frequently inserted or omitted, contrary to the Authority of the Latin or French Text, as given from the Record or Manuscript, in the opposite Column of the Book; and the Translation, thus varying from the Text of the Record or Manuscript, is sometimes consistent with, and sometimes contrary to, the Old Printed Copies, which are not at all noticed.

Many palpable Errors and Omissions have been allowed to remain without Notice in all the Translations. Corrections, comparatively very few in Number, were silently made in the Progress of the Editions called Pulton's and Keble's. Those made from Time to Time in Rastall's English Collection were numerous and important, but they have not been fully adopted in any Editions of the Statutes at Large. The Suggestions of Corrections by Notes in the Margin of Cay's Edition are very rare, comparatively with the numerous Errors actually existing; but the Number of these Suggestions was somewhat increased in the Edition by Ruffhead, though not to any considerable Extent. The like Observations apply to Pickering's Edition; respecting which, however, it is material to notice, that of many of the obsolete, expired, or repealed Statutes or Parts of Statutes, a Translation only is given by Pickering, from the Edition by Pulton and that called Rastall's 1618, with some Amendments, while the Latin or French Text, or an Abridgement in English, is given in the Editions by Hawkins, Cay, and Ruffhead.

Upon the whole it is ascertained, That no complete Collection has ever been printed containing all the Matters, which at different Times, and by different Editors, have been published as Statutes. The earliest Editions of entire Statutes were printed at the latter End of the Fifteenth Century, and began with the Statutes of Edward III. in their Original Language: The Statutes of Henry III. Edw. I. and Edw. II. were not printed entire until the Beginning of the Sixteenth Century, and then in small Collections by themselves in their original Language; and none of these Printed Copies quote any Record or Manuscript as an Authority for the Text which they exhibit. Later Editions of the Statutes, which combine the Period previous to Edward III. with that of Edward III. and subsequent Kings, omit the Original Text of the Statutes previous to Henry VII.; giving Translations only of those Statutes, and the subsequent Statutes in English: And the most modern Editions which, in some Instances, insert the original Text of the Statutes previous to Richard III. from the Statute Roll and ancient Manuscripts, omit the Translation of many Parts of them, and in other Instances give a Translation without the Text, and also omit many Acts in the Period subsequent to Hen. VII. Further it is to be observed, that the several Printed Editions differ materially from each other in the Text of the Statutes previous to Hen. VIII. The Copy of the Statute of Gloucester, 6 Edw. I. in the Editions printed by Tottell in 1556 and 1587, and by Lord Coke in his Second Institute, varies most materially not only from that in the earlier Printed Editions by Pynson in 1508 and 1514, and by Berthelet in 1531, but also from that in the Edition by Marshe in 1556, the same Year in which the First Edition by Tottell was printed. The Copy of this Statute printed by Hawkins from the Statute Roll in the Tower, varies as well from those printed by Tottell and Lord Coke, as from those by Pynson, Berthelet, and Marshe. This Instance is mentioned, as the Statute of Gloucester is the earliest now existing on any Statute Roll. Many other Instances occur, even in Cases where the Necessity of Correctness was most peculiarly requisite: Such are the Ancient Statutes relating to the Assize of Bread, the Composition of Weights and Measures, and the Measuring of Land: In all these the Calculations in the several Printed Copies vary from each other, and are all incorrect, some in one Particular, some in another. It may be noted, moreover, that many verbal Variations occur between the several Editions which appear essentially to agree with each other. Thus the Copies in Tottell 1556, 1587, and the Second Institute, though generally accordant, are not precisely so; and the same Observation applies to the Editions by Pynson, Berthelet, and Marshe. These verbal Variations may be said to be innumerable,

and

and though for the most Part minute, they are occasionally important. After the Commencement of the Reign of Edward III. a greater Degree of Correctness and Uniformity prevail; but so late as the Reign of Henry VII. some Instances of material Variation continue to be met with. The Acts of Richard III. were printed in French, first by Caxton, and afterwards in Pynson's Edition of the Statutes from the Commencement of the Reign of Edw. III.: In the Editions by Berthelet, Barker, and others, these Acts of Ric. III. were printed in English, agreeing in Substance with the French Text: But in the Editions by Pulton, and subsequent Editors, there are essential Variances in the Translation, not only from the Sense of the French Text, but also from the former English Editions: And even of the Statutes of Henry VII., though always printed in English, the Copies in the Editions by Pulton, and subsequent Editors, differ in several Instances from those in the earlier Printed Collections.

It is moreover ascertained, That no one complete printed Translation of all the Statutes previous to Hen. VII. exists: Some which are omitted from Berthelet 1543, and the other early Editions, including that called Rastall's 1618, are inserted in Pulton 1618, and in Editions since published: On the contrary, several Parts of the Statutes from 1 Edw. III. to 1 Hen. VII. Translations of which are inserted in Berthelet, Rastall, and other Editions, are omitted, and merely Abridgements thereof given, in Pulton and subsequent Editions. All the Statutes therefore which have been hitherto translated can be found only by uniting Pulton 1618 and Rastall 1618, together with Rastall's English Collection, and the English Editions by Berthelet, Middleton, and Barker. Many Errors and Inconsistencies occur in all the Translations, resulting either from Misinterpretation, or from improper Omissions or Insertions; and there are many antient Statutes of which no Translation has ever yet been printed.

SECT. II.

Plans heretofore proposed for an Authentic Publication, or for the Revision, of the Statutes.

No Complete and Authentic Edition of the Statutes has hitherto been undertaken by Authority; nor has the Design itself ever been suggested, simply, and without Connection with other Schemes of Reformation or Improvement.

A general Revision of the Statute Law has been often recommended from the Throne; and has been petitioned for by both Houses of Parliament; it has engaged the Labours of successive Committees, and has been undertaken by Individuals sometimes with, and sometimes without, the Sanction of Royal or Parliamentary Authority; but has never yet been carried forward to any Degree of Maturity.

In Queen Elizabeth's Reign, A.D. 1557, Sir N. Bacon, Lord Keeper, drew up a short Plan for reducing, ordering, and printing the Statutes of the Realm. The following are the Heads of this Plan: "First where many "Lawes be made for one Thing, the same are to be reduced and established into one Lawe, and the former to be "abrogated.—Item, where there is but one Lawe for one Thing, that these Lawes are to remain in Case as they "be.—Item, that all the Actes be digested into Titles, and printed according to the Abridgement of the Statutes. "—Item, where Part of one Acte standeth in force and another Part abrogated, there should be no more printed "but that that standeth in force.—The doing of these Things maie be committed the Persons hereunder written, "if it shall so please her Matie and her Counsell, and Daye wolde be given to the Committees until the First Daie "of Michaelmas Terme next coming for the doing of this, and then they are to declare their Doings, to be con- "sidered of by such Persons as it shall please her Matie to appoint." Then follow Lists of Twenty Committees of Four each, in which the Judges, Serjeants, Attorney and Solicitor General, &c. are named; One Judge, &c. and Three Counsel forming a Committee, to each of which it was proposed that a Title or Division of the Statute Law should be referred.

The Subject was afterwards taken into Consideration, so far as related to the Penal Laws, at subsequent Periods in the Reign of the same Queen, viz. Anno 27, A.D. 1585.—Anno 35, A.D. 1593.—Anno 39 & 40, A.D. 1597. —Anno 43, A.D. 1601.—In the Proceedings in 1593 and 1597 Sir Francis Bacon took Part, and upon them he appears to have founded his Sketch, or Plan of a General Revisal of the Statute Law.—King James the First, upon his Accession to the Throne of England, 1603-4, and in subsequent Periods of his Reign, recommended also to Parliament a Reform of all the Statute Law, and of the Penal Laws in particular.

In the Year 1610 a Digest and Repeal of the Penal Law was expressly stipulated for by the House of Commons, and acceded to by the House of Lords, in their joint Transaction of the Great Contract with the Crown; and in the same Reign Sir Francis Bacon, Lord C. J. Hobart, Serjeant Finch, Mr. Noy, and others, by the King's Command, made considerable Progress in the general Work of reforming and re-compiling the Statute Law, which Lord Bacon describes as "An excellent Undertaking, of Honour to His Majesty's Times, and of good to all "Times;" and recommends, in Imitation of the Statutes of 27 Hen. VIII. c. 15, and 3 & 4 Edw. VI. c. 11, for

Appendix, (G.)

Historical and Explanatory Introduction.

appointing Commissioners to examine and establish Ecclesiastical Laws, that Commissioners be named by both Houses for this Purpose also, with Power not to conclude, but only to prepare and propound the Matter to Parliament.

In the British Museum is preserved a Manuscript Volume containing the Plan of an elaborate Report, particularising the several Statutes, from the Statute of Westminster the First, 3 Ed. I. to 7. Jac. 1. 1609, then actually repealed or expired, and also the Statutes thought fit either to be absolutely repealed, or to be repealed and new Laws to be made in their Place. Possibly this may be the very Work spoken of by Sir Francis Bacon. It is drawn up as by Authority, with detailed Reasons for every proposed Measure; but it is not signed by, or addressed to, any one. A Table is subjoined to it, exhibiting the Result of the Report.

Among the Papers of Mr. Petyt, in the Inner Temple Library, is a Letter of Lord Bacon's, dated 27th February 1608, which shews that he had the Advantage of using for his proposed Plan a Manuscript Collection of the Statutes, made with great Labour by Mr. Michael Heneage, Keeper of the Tower Records, in Five large Volumes, which it is feared has been lost. Lord Bacon's Disgrace at the latter Period of the Reign of King James I. and the Distractions of the Government in what related to Parliament, were probably the Causes of the Failure of these Measures, and of the Silence that ensues respecting them in Parliamentary History.

During the Usurpation, the same Undertaking was resumed with Ardor. In 1650 a Committee was named, one of the Members whereof was Bulstrode Whitelock, then First Lord Commissioner for the Custody of the Great Seal: The Purpose was "to revise all former Statutes and Ordinances now in force, and consider as well which "are fit to be continued, altered, or repealed, as how the same may be reduced into a compendious Way and "exact Method, for the more Ease and clearer Understanding of the People." And the Committee were empowered "to advise with the Judges, and to send for and to employ and call to their Assistance therein any "other Persons whom they should think fit, for the better effecting thereof, and to prepare the same for the "further Consideration of the House, and to make Report thereof." But no such Report has been preserved.

In 1651-2, Matthew Hale Esquire, afterwards Lord Chief Justice Hale, Sir Anthony Ashley Cooper, afterwards Lord Shaftesbury, and Rushworth the Author of the Historical Collections, with other Persons out of the House, were appointed to report to the Committee their Opinions upon the Inconveniences of the Law; and a revised System of the Law was reported to the House in the Course of the same Year. The same Labour was afterwards transferred to other Hands, but the Work was not abandoned; and in 1653 a Committee was appointed to consider of a new Model or Body of the Law. But of this Committee no Proceedings are now discoverable.

After the Restoration, Finch, Solicitor General, afterwards Earl of Nottingham and Lord Chancellor, Serjeant Maynard, Sir Robert Atkins, Mr. Prynne, and others, were appointed in 1666, to be a Committee "to confer "with such of the Lords, the Judges, and other Persons of the Long Robe, who have already taken Pains and "made Progress in perusing the Statute Laws; and to consider of repealing such former Statute Laws as they "shall find necessary to be repealed; and of Expedients for reducing all Statute Laws of one Nature under such "a Method and Head as may conduce to the more ready Understanding and better Execution of such Laws." This, however, was as ineffectual as any of the former Measures; and it is the last recorded Instance of the Interference of Parliament on the Subject, previous to those Proceedings which gave Rise to the Commissions under the Authority whereof the present Work has been executed.

The earliest Instance of the Exertions of any Individual, without the Sanction of Parliamentary Authority, towards making a Collection of Statutes from authentic Sources, appears to have been afforded by Pulton.—He was a learned Barrister, of great Age and Experience, and was employed for several Years in the Consideration of the Statute Law. He published two useful Books upon that Subject: first, an Abridgement of the Penal Statutes; and afterwards a Calendar or Abstract of all the Statutes in use, chronologically arranged; together with an alphabetical Abridgement of them, in the Manner of Rastall's Collection. He appears to have been encouraged and assisted in his first Work by Sir William Cordell, then Master of the Rolls, to whom it is dedicated; various Editions of this were published from 1560 to 1577. His Calendar, first published about 1606, is distinguished by the following Expression in the Title Page; viz. "*Editum per mandatum Domini Regis.*" But nothing else, either in the Book or elsewhere, has been found to confer any Marks of Royal Authority upon the Contents of the Book. After the Publication of these Works, without any Public Patronage or Recommendation beyond a Permission to use the Records, he conceived the Plan of copying from their original Records, and printing for general Use, all the Statutes supposed to be in force.

This Plan it will be useful to state at Length: And this we are enabled to do by the Preservation of the Papers, containing his original Scheme, among Sir Robert Cotton's Manuscripts in the British Museum. In one of these

Papers

Papers the Design is set forth: It is indorsed, in a Hand frequent among the Cottonian Manuscripts, "Concerning "Mr. Pulton's Suite;" and has no other Title, Mark, or Description at the Beginning or End; though by another Article referring to it, there is Proof of its Date being in or previous to 1611. "Mr. Poulton seeketh to print the "Statutes at Large. He promiseth to set down which Statutes or Parts of Statutes are repealed, and which, "being at the first but temporary, are since expired and void, because not revived. This he hath already done "in his late Abridgment, for which he had a Recompence of the Printer. Now, to make this new Book at large "saleable, he promiseth to print the Statutes first in the Language the same were first written; and such as were "originally in French or Latin, he will translate and print likewise in English. Where the Statute has no Title, "he will devise a Title out of the Body, and print it with the Statute. He will set down which Statutes are "warranted by the Record, and which not. He will correct the printed Book by the Record. For which Pur- "pose he requireth free Access at all Times to the Records in the Tower. Being very aged, viz. almost Four- "score, he desireth that for his Ease and better enabling in his Work, the Keeper of the Records within the "Tower of London may every Day deliver unto him, when he shall so require, One Parliament Roll, to be by "him and his Clerk perused and viewed, in a Lodging which he hath taken near unto the said Office; the same "afterwards to be redelivered by them to the said Keeper thereof. That the Clerk do help, further, and assist "him in this Service by all the Means he can."

Several Objections to the Prosecution of this Plan were made by Bower and Elsynge, Keepers of the Tower Records; among others, that they and their Predecessors had actually prepared Materials for the Work in question, and that they then had ready written Five Volumes of Statutes copied from the Records. These were perhaps the Volumes alluded to in Lord Bacon's Letter before mentioned. The Dispute between the Parties was continued for some Time: But there remains among the Cottonian Manuscripts a Draught of an Award for its Determination by Sir Robert Cotton himself, to whom they referred their Differences; and from a Paper in the British Museum, among the Manuscripts of Mr. Madox, it appears, that an Order of Council passed on the 24th of October 1611, granting Licence to Pulton to have the Use of the Records in the Manner asked. It recites that he undertook the Work by Persuasion of the Judges and others learned in the Laws, and requires the Keepers of the Records, on account of the Importance of the Work, and for the Benefit of the Learned, to assist and further him all they can.

Pulton lived to publish this proposed Edition in 1618; which is the Work already spoken of as Pulton's English Statutes. In his Preface, after noticing the Redundancies of former Editions, containing Subsidy Acts and other Acts "expired, repealed, altered, and worn out of Use," and his Intention to publish such only "which be now "in Life, Force, and general Use," he gives the following Statement of the Means he had employed in compiling his Collection.

"First, with as great Means, Care, and Industry, as possibly I could use, so many of the old Statutes heretofore "printed in the English Tongue, made and published in the Reigns of the first Ten Kings (accounting from "9 of Hen. III. unto 1 of Ric. III. inclusive), as be chiefly in Use and Practice, and which are the Foundation of "Proceedings both legal and judicial, have been by me truly and sincerely examined by the original Records "thereof remaining in the Tower of London; and the Residue with the Register of Writs, being the most antient "Book of the Law, the old and new Natura Brevium, the Books of Entries, the Books of Years, and Terms of "the Law; the best approved, printed, and written Books; and by all such other Circumstances as might best "give Probability of Truth unto the Learned. By reason whereof, the foresaid Defects, Imperfections, and Em- "blemishments being reformed in this Edition, as it is a Collection of the most usual Laws, gathered from out the "grand Codex of all the Statutes, so it may serve as a Correction to the former Impressions."

The Defects of Pulton's Publication, as a general Collection of Statutes, are chiefly these: 1st. As to the Statutes preceding Hen. VII. it is a Translation in English, and does not exhibit the Text in the original Language of the Records; as might have been expected from his Proposal: 2dly. Though it had the Permission, it had not the Authority of the King, by whom all Acts of Legislation are to be communicated to the Subject; and was only the private Work of an Individual for his own Benefit: 3dly. It is a partial Selection of such Statutes as in the Judgement of the Author, were fittest to appear in his Book; their Authority and Use, whether in force or repealed, depending on his Opinion: 4thly. It is not, nor does it purport to be, a correct and examined Copy from the Original Records, of all those Acts which are given at large; but of such only as the Author thought necessary so to examine and correct: And it is left uncertain, which, and how many of them, were taken from printed or written Books. It has, therefore, though in a less Degree, the same Faults as all the Collections and Editions of Statutes printed before; and it was particularly unfortunate that the Author did not execute that Part of his Proposals which made their greatest Merit, namely, the giving an accurate Copy of the Original Text of the antient Statutes from the Record.

APPENDIX, (G.)
Historical and Explanatory Introduction.

These Objections are no less applicable to the Editions by Hawkins and Cay, as falling short of the Character of a complete and authentic Collection of the Statutes. They professed indeed to have copied their Text from original Records, or other Manuscripts, in Latin and French; but by printing some Statutes, and parts of Statutes, with the Translation, and some without it, and giving only a Translation of others, they have rendered their Editions liable to still further Objections, for which no subsequent Editor has hitherto attempted to offer a Remedy.

From the preceding Statement, the Necessity and Use of an Authentic Publication of the Statutes of the Realm will appear: for, although the Defects of all former Collections have been long complained of by learned and eminent Men, and although various Propositions have been offered at different Times, for an Authentic Publication of the Statutes, none such has yet been executed. At length, however, a Select Committee, appointed by the House of Commons of Great Britain in the Year 1800, to enquire into the State of the Public Records of the Kingdom, having reported upon this Branch of the Matters referred to their Consideration, that in their Opinion, it was "highly expedient for the Honour of the Nation, and the Benefit of all His Majesty's Subjects, that a complete and "authoritative Edition of all the Statutes should be published;" in pursuance of their Recommendation the present Work has been undertaken and executed; under the Authority and Direction of Commissioners specially appointed by His Majesty to carry into Effect the several Measures which were by that Committee recommended to the Attention of Parliament.

CHAP. II.

Of THE CHARTERS *prefixed to this Collection of the Statutes.*

A SERIES of the CHARTERS OF THE LIBERTIES OF ENGLAND is prefixed to this Collection of The Statutes: namely, CHARTERS OF LIBERTIES; 1 Henry I. A. D. 1101: 1 Stephen A. D. 1136: Of Stephen and Henry II. without Date: CHARTER for free Elections in Churches; 16 John A.D. 1214: ARTICLES or Heads of Magna Carta; 17 John A.D. 1215: MAGNA CARTA; 17 John A.D. 1215: 1 Henry III. A.D. 1216; A.D. 1217: 9 Henry III. A.D. 1224-5: 36 Henry III. A.D. 1251-2: CARTA DE FORESTA; 2 Henry III. A.D. 1217: 9 Henry III. A.D. 1224-5: And CHARTERS confirming Magna Carta and Carta de Foresta; 21 Hen. III. A.D. 1236-7: 49 Hen. III. A.D. 1264-5: 25 Edw. I. A.D. 1297: 28 Edw. I. A.D. 1300: 29 Edw. I. A.D. 1300-1.

MAGNA CARTA and CARTA DE FORESTA, granted in the 9th Year of King Henry III. have, in every Collection of Statutes which contained the Statutes previous to 1 Edw. III. been printed as the first in Order. In all Editions previous to Hawkins's, they were printed as from Charters of Inspeximus of 28 Edw. I: By Hawkins and subsequent Editors they were printed from the Charter of Inspeximus entered on the Statute Roll of 25 Edw. I: But in no Edition hitherto have they been printed immediately from any Charter of 9 Hen. III; and it is not known that any Statute Roll of that Date ever existed. In the present Collection, these Charters are inserted according to their place in the above Series, and are printed from Charters under the Great Seal: They are also printed again amongst the Statutes 25 Edw. I. from the Entry on the Statute Roll of that Year, being the earliest Parliamentary Record upon which they have been found.

For the Purpose of examining all the Charters, and Authentic Copies and Entries thereof, and also of searching for antient Copies and Entries of Statutes, and Instruments not now to be found on the Statute Roll, Two Sub-Commissioners were employed during the Summer of 1806, in making a Progress through England and Ireland to every Place where it appeared from the Returns to the Record Committee of 1800, or from other Intelligence, that any such Charters, Copies, or Entries were preserved: And Searches have been made successively at every Cathedral in England which was known to possess any such Charters, Copies, or Entries; and also at the Universities of Oxford and Cambridge: at Trinity College Dublin; at the Courts of Exchequer, and other Public Offices in Dublin; and wherever else Information could be obtained on the Subject. The Result, so far as relates to the Charters, may be thus briefly stated.

In Rochester Cathedral is preserved the *Textus Roffensis:* This is a Chartulary, or Collection of Charters and Instruments, compiled by Ernulf, who was Bishop of Rochester from A.D. 1115 to A.D. 1125. In this Chartulary is an Entry of the Charter of Liberties, granted in the First Year of King Henry I. A.D. 1101.

In Exeter Cathedral is preserved an Original Charter granted in the First Year of King Stephen A. D. 1136. 'De Libertatibus Ecclesie Anglie & Regni.'

In

In Canterbury Cathedral are several Chartularies or Registers, of very antient Date. In these are entered the Charter of King Stephen, of which an Original is in Exeter Cathedral, and the Charter of King John, granted in the Sixteenth Year of his Reign, or free Elections of Prelates, &c. in Churches and Monasteries.

In Lincoln Cathedral, an Original of the Great Charter of Liberties, granted by King John in the Seventeenth Year of his Reign, is preserved in a perfect State. This Charter appears to be of superior Authority to either of the Two Charters of the same Date, preserved in the British Museum. From the contemporary Indorsements of the Word *Lincolnia* on Two Folds of the Charter, this may be presumed to be the Charter transmitted by the Hands of Hugh the then Bishop of Lincoln, who is one of the Bishops named in the Introductory Clause; and it is observable that several Words and Sentences are inserted in the Body of this Charter, which in both the Charters preserved in the British Museum, are added, by way of Notes for Amendment, at the Bottom of the Instrument.

In Durham Cathedral, several Charters of the Liberties of England are preserved with great Care; namely, Magna Carta 12 Nov. 1 Hen. III.—Carta de Foresta, 2 Hen. III.—Magna Carta and Carta de Foresta, 9 Hen. III. The Carta de Foresta 2 Hen. III. is the earliest Charter of the Forest; the Original and all Authentic Records of which were supposed by Blackstone to be lost. It is remarkable that in this Original is inserted a Clause which occurs in an Entry of this Charter on a Roll, formerly belonging to the Abbey of Hales Owen in Shropshire, communicated to Blackstone by Lord Lyttelton; and which is not inserted in the Carta de Foresta 9 Hen. III

A Charter of the Date of 12 Nov. 1 Hen. III. was transmitted to Ireland; and an Entry thereof is preserved in the Red Book of the Exchequer at Dublin.

In several other Cathedrals are Chartularies, Registers, or Collections, of antient Date, containing Entries of the Great Charters and Charters of the Forest. The most valuable of these are at York, Gloucester, and Christ Church, Dublin.

The Magna Carta of 9 Henry III. under Seal, from which Blackstone printed a Copy in his Edition of The Charters, and which he suggests was the Charter designed for the Use of the Knights or Military Tenants of Wiltshire, is still preserved by the Family of the Talbots, of Lacock Abbey, in that County.

In the Bodleian Library at Oxford are Magna Carta A.D. 1217; and the Charters of Confirmation 21 Henry III. and 29 Edward I.

[redacted] British Museum is the Original of the Articuli Magne Carte under the Seal of King John, from which [redacted] printed the Copy in his Edition of the Charters. Two of the Great Charters of King John, one of 36th Henry III., and the Charter of Confirmation granted by King Edward I. at Ghent, in the 25th Year of his Reign, are also preserved in the same Repository.

On the Statute Roll of 25 Edward I. are entered Charters of Inspeximus of that Date, reciting and confirming Magna Carta and Carta de Foresta of 9 Henry III. Entries of similar Charters dated 28 Ed. I. are made on the Charter Rolls of that Year; the only Difference between these several Charters of Inspeximus is that those of the 25th Year are tested by the King's Son, and those of the 28th by the King himself. Original Charters of Inspeximus of these respective Dates, agreeing with the Entries on the Statute and Charter Rolls, are still in Existence. Of these Charters one of 25 Edw. I. confirming Magna Carta, is in the Town Clerk's Office, London. Others of 28 Edw. I. confirming Magna Carta are in the same Repository, as also in Durham Cathedral, Westminster Collegiate Church, Oriel College Oxford, and in the Town Clerk's Office at Appleby in Westmoreland. Others of the same Date, confirming Carta de Foresta, are in Durham Cathedral, and Oriel College Oxford.

From these Materials, and others previously obtained, Transcripts and Collations were made and accurately examined by the Sub-Commissioners. The Text of the several Charters inserted in the present Collection is printed from these Transcripts; an attentive and strict Collation of the printed Text with the Transcript, has been made by one of the Sub-Commissioners, who himself assisted in making the Transcript, and in examining it with the Original; and where an engraved Copy has been made of any Charter, the printed Text has also been collated with such engraved Copy.

This Collection of Charters will be found to differ from Blackstone's Edition of the Charters, and other printed Copies in the following Particulars: First, In exhibiting a complete Series of the Charters of Liberties, granted by the Kings of England; in which their Original and Progress may be traced until their final and complete Establishment in the Twenty-ninth Year of King Edward I.—Secondly, In affording in every Instance a faithful Tran-

Appendix, (G.)

Historical and Explanatory Introduction.

script from Original Charters or Entries thereof; in Characters representing the Manuscript with its Contractions or Abbreviations, so far as the same could be accomplished by Printing Types: Engraved Fac-Similes are also subjoined, which have been made with great Care and Attention from several of the Charters; namely, the Charter of Liberties granted by Stephen, in Exeter Cathedral; the Articuli Magne Carte of John, in the British Museum; the Magna Carta of John, in Lincoln Cathedral; the Carta de Foresta, 2 Hen. III. and the Magna Carta, 9 Hen. III. in Durham Cathedral; the Entry of the Charter of Confirmation 21 Hen. III. on the Charter Roll of that Year in the Tower of London; and the Charter of Inspeximus 25 Edw. I. in the Town Clerk's Office, London.—Thirdly, In inserting the Stops or Points which Blackstone omitted, but which are justified by the Originals, and which are material to the Sense; and in avoiding many Errors, which had crept into all prior Editions, even that of Blackstone himself, in consequence of the Transcripts and Examinations being intrusted, at different Places, to different Persons not all equally competent to the Task, and from the Collation of unauthenticated Manuscript Copies supposed to be of a Date much more antient than in Truth they are.—Fourthly, In inserting Charters not before printed, viz. 1. The Charter of the Sixteenth Year of King John, for the free Election of Prelates, &c. which is particularly adverted to in the Magna Carta granted by that King: 2. The First Charter of the Forest, granted in the Second Year of Henry III. now preserved in Durham Cathedral; the Existence of which escaped the Researches of Blackstone: 3. The Confirmation Charter of 36 Hen. III. which accounts for some Alterations in the Charters of Inspeximus and Confirmation of Magna Carta granted by Edw. I.: 4. The Charter of Inspeximus and Confirmation of Magna Carta, 25 Edw. I. from the Original preserved in the Town Clerk's Office, London; being of the same Date as that entered on the Statute Roll: The Authenticity of this last mentioned Charter is evinced peculiarly by the Writ which is annexed to it; and no other such Original Charter of this Date is now known to exist: 5. The Charter of Inspeximus and Confirmation of Magna Carta 28 Edw. I.; And, 6. The Charter of Inspeximus and Confirmation of Carta de Foresta 28 Edw. I.; both from the Charter Roll of that Year in the Tower of London. From the Charters of Inspeximus 25 & 28 Edw. I. as entered on the Statute and Charter Rolls, Blackstone gave only Various Readings as Notes to the Charters of 9 Hen. III.; but did not print the Charters themselves at length.

CHAP. III.

Sect. I.—*Of the Matters inserted in the Collection of* The Statutes; *and their Arrangement.*—Sect. II. *Of the Sources from whence the several Matters have been taken.*—Sect. III. *Of the Mode used in searching for, transcribing, collating, noting, and printing the Text of the S[illegible]*

Sect. I.

Of the Matters inserted in this Collection of Statutes; and their Arrangement.

1. All Instruments whatever, comprehended in any of the several Collections of Statutes printed previous to the Edition by Hawkins, are inserted in this Work; these having for a long Series of Years been referred to, and accepted as Statutes in Courts of Law: Together with these are inserted all Matters of a public Nature, purporting to be Statutes, first printed by Hawkins or any subsequent Editor; and also New Matters of the like Nature, contained in any Statute Rolls, Inrollments of Acts, Exemplifications, Transcripts by Writ, and Original Acts, although not heretofore printed in any general Collection of Statutes. All these are placed in the Body of the Work as Text. But it is to be particularly observed, that any Decision upon the Degree of Authority to which any new Instrument may be entitled, as being a Statute or not, is entirely disclaimed.

At the Foot of the Text in each Page, there are added such Various Readings as appeared necessary to correct its Errors, or to supply its Deficiencies; or to reconcile any material Contradiction or Repugnancy between the Text and the Translation; or between different Copies of the Text, where they were of equal or of nearly equal Authority. In the earlier Reigns, or in the Absence of any Authentic Source for the Text, such Various Readings are noted with much greater Freedom than in later Times, or where Authentic Sources exist. Writs and other Instruments, having direct or material Reference to the several Statutes, are occasionally subjoined by way of Notes. These Various Readings and Instruments are taken from the following Sources: Inrollments of Acts; Exemplifications; Transcripts by Writ; Original Acts; Rolls of Parliament; Close, Patent, Fine, and Charter Rolls; Books containing Entries of Record; Antient Books and Manuscripts not of Record, but preserved in the Repositories of Courts of Justice, and Corporation Offices; or in the Libraries of Cathedrals, Universities, Colleges, or Inns of Court, and at the British Museum: Various Readings have been also admitted from the Printed Editions; occasionally in Confirmation of the Manuscript Sources, and more frequently in Cases where those Sources have been found deficient.

Every

Carta Stephani Regis in archivis Eccl. Cathed. Exon. asservata.

Carta Stephani Regis de Libertatibus Ecclie Angl. & Regni.

Ego Steph's dei gra assensu dei & populi in regē anglor electus. & Ego W. Cantuar archiepc & sce Romane ecclie legatus & ecclē & Ego Abbas sce Romane sedis pontificis gra-
mat. respectu & amore dei & sce ecclie libtē ee. gcedo. & dilectā reconciliationē illi firmo. Hoc me ecclia. ut rob ecclasticos sinodalesq; actus. ut promissum ee. primo
ecclasticarū psonarū & oīm cleric. & regni ordi. & rectrīcē & distributionē honor ecclasticor & manu que ee. gnibus & firmo. Dignitates
ecclarū pulegus earū ofrendas & sinodū earū antiq tenore habeat. & mundeburdū sce romane ecclie & ego. Oīs ecclie & possessiones & redditus
huiusq; q̄ tpe regis anteceſſor mei tenuit in dnio & demanio ee. gcedo. Sīgd ū debuerunt ut possessiones & redditus illi hā
ecclē regis. q̄d ū earū ecclia damnū repetierit indulgentie & dispensatiōi mee ut restituendū ut disponendū reservo. Quecūq; ū p morte ipsius regis
libalitate regū & largitione p̄napū oblatione ut ēparōe ut q̄libet ēmunitē fidelitū eis collata ee. & firmo. Pace & Justitiā. me inviolabiliter facturū. &
p posse meo. Seruaturū eis p̄missa forestas q̄s W. auus mus & W. auunculus mus instituerūt & huiusq; in reservo. Terras oīm q̄s rex h. sup addidit ecclie &
regni q̄etas reddo & gcedo. Sīgs ēpis ut abbas. ut alie ecclasticē psone. ād morte sua rationabiliter sua distribuere. ut distribuendi statuerit. firmū
mihi & gcedo Si ū morte occupare fuerit. p salute ānē ei. ecclie asilo eadē fore distributo. Dum ū sedes epālis pastorib; vacare fuerit. ipsas & cetera
possessiones oīm manu & custodia clericor ut ibor hōnt eādē ecclie q̄mandi. donec pastor canonice substituat. Os exactiones & consuetudines. & leges
mingas. sine p̄ces. ub p alios q̄libz nulle inducte. sup̄ē extirpo. Bonas leges & antiq̄s. & usitatas q̄suetud. in ūdo & plac & alias cautis ob-
servabo. & observari fcipio. & firmo. Et ista gcedo. & firmo. salua regia & usitata dignitate mea. & W. cantuar. archiepc. & Hugo Roth
archiepc. & Hanr Dunt epc. & Rogo Sar epc. & Adelm epc. & Hug Cicestr epc. & Petrus Hereford epc. & Sim Wigorn epc. & Bern epc de Ss. Da-
vid & Audoen ebroic epc. & Ric Abrinc epc. & Rob Lexov epc. & Iohe Roffen epc. & Nichol Exon epc. & Rog Cant. & Hanr nep Regis.
& Rob com Gloec. & Witto com de Warenna. & Rann com Cestr. & Rob com de Warewic. & Robo & de Veer & Gilon de Gloec.
& Gerard fit com & Robo de Oili. Constabulis & Witto mar & Hug bigot. & Humfr de Bohun. & Sim de Belcap dapifer & Witto
de Albin & Eudon magr pincern. & Rob de Fayer. & Witto pincern de Hoang th. & Sim de Sanctis. & W. de Albani. & Rad fit Johis
& Hanr de Sco Claro. & Robo de Lacao. Ap Gainsb. Anno Ab Incarnatione dñi. M. C. xxxvij. Si Regnū meū p̄mo.

Articuli magne carte libertatum
sub sigillo Regis Johannis.

Joh.

XXXIX:

Hec sunt Capitula q̄ Barones petunt & dñs Rex concedit

¶ Post decessum antecessoꝝ heredes plene etatis habebunt hereditatem suam p̄ antiquum relevium expressum in carta.

¶ Heredes q̄ infra etatem fuerint & fuerint in custodia cum ad etatem pervenerint habebunt hereditatem suam sine relevio & fine.

¶ Custos terre heredis capte fiendum custodies terre, consuetudines & servicia, & hoc sine destructione & vasto hominum & rerum suarum & si custos ipse custodie destructionem & vastum fecerit amittat custodiam & ipsa custodia committatur duobus discretis & legalibus hominibus de feodo illo qui similiter respondeant de terra & de corpore & de maritagio, ita quod sint consimiles predicto custodi. Et custos maritabit heredem de equali conditione & per consilium parentum suorum & antequam matrimonium contrahatur ostendatur propinquo de consanguinitate sua.

¶ Vidua det pro dote sua & maritagio suo post decessum mariti sui & maneat in domo capitali viri sui per .xl. dies post mortem ejus & infra illum assignetur ei dos & maritagium suum & hereditatem suam.

¶ Nec vidua nec alius det aliquid pro dote sua & maritagio quod ipsa & heredes sui dabunt pro dote sua & maritagio suo & hereditate sua quam.

¶ Nec ipse nec aliquis teneatur facere majus servicium de feodo militis quam inde debitum fuit.

¶ Communia placita non sequantur curiam nostram sed teneantur in aliquo certo loco. Recognitiones capiantur tali ordine videlicet per tres vices in anno per quatuor assisas in comitatu suo tenendas & ipse recognitiones capiantur ab hominibus de comitatu & de hundredo per judices nostros & in ipsis comitatibus ipsis diebus & locis. Et liber homo non amercietur pro parvo delicto nisi secundum modum delicti & pro magno delicto secundum magnitudinem delicti salvo contenemento suo. Et mercator eodem modo amercietur salvo marcandisa sua. Et villanus eodem modo amercietur salvo waynagio suo si incident in misericordiam nostram. Nec aliquis predictorum amerciamentorum ponatur nisi per sacramentum proborum hominum de vicinetu.

¶ Comites & barones non amercientur nisi per pares suos & non nisi secundum modum forisfacture.

¶ Nec aliquis amercietur de laico feodo suo nisi per modum predictum & secundum quantitatem forisfacture.

¶ Nec aliquis amercietur pro parvo delicto nisi secundum modum illius delicti per sacramentum proborum hominum de visneto.

¶ Nec villata nec homo amercietur pro pontibus aquarum suarum vel vivariis faciendis nisi qui debent hec facere de jure & consuetudine.

¶ Nec vicecomes nec ballivi nostri capient equos nec carectas alicujus liberi hominis pro cariagio faciendo nisi de voluntate ipsius.

¶ Nec nos nec ballivi nostri capiemus alienum boscum ad castra vel alia agenda nostra nisi de voluntate illius cujus boscus ille fuerit.

¶ Nec tenebimus terras illorum qui convicti fuerint de felonia nisi per unum annum & unum diem. Et tunc reddantur domino feodi.

¶ Omnes kidelli de cetero penitus deponantur de Tamisia & de tota Anglia nisi per costeram maris.

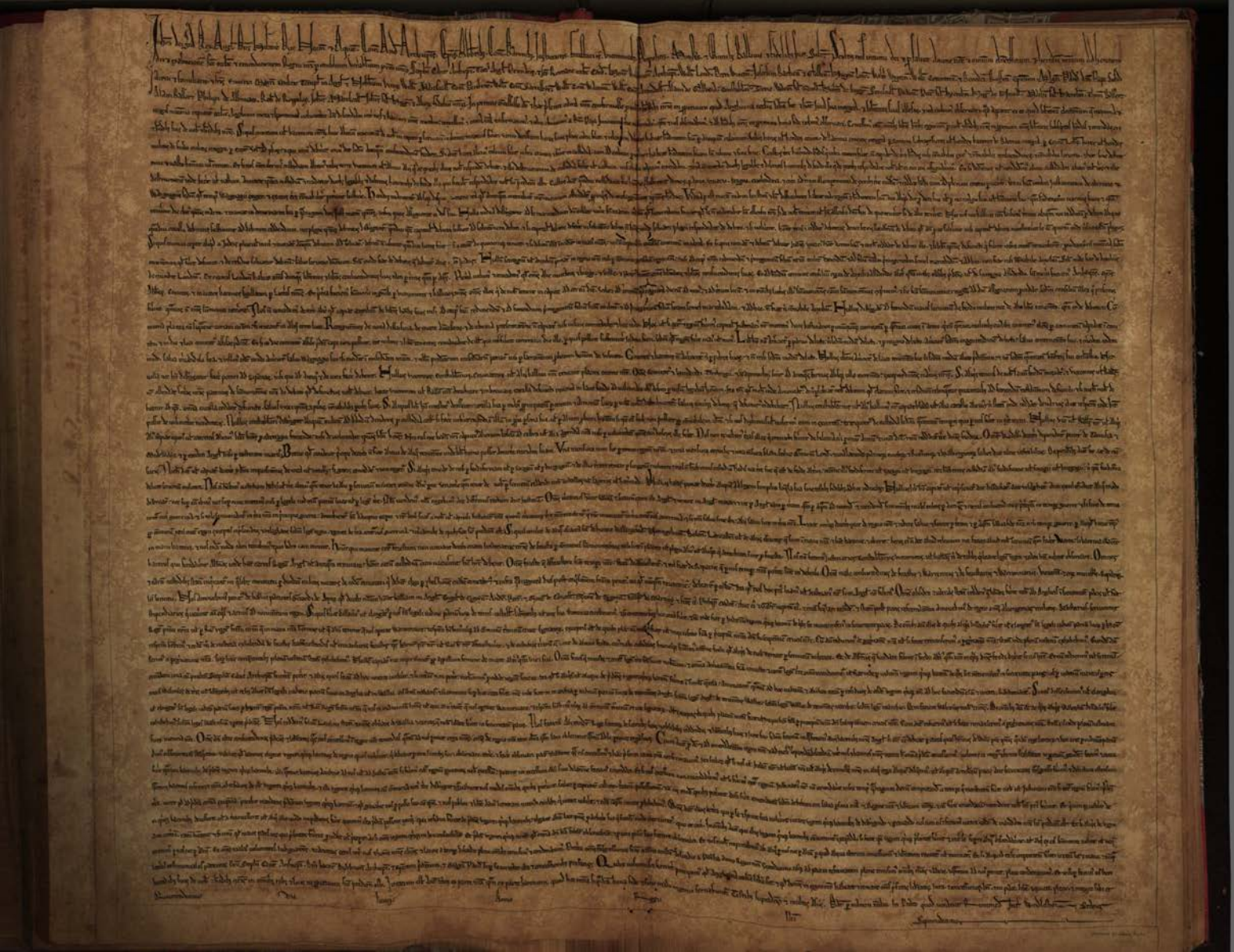
¶ Breve quod vocatur Precipe de cetero fiat alicui de aliquo tenemento unde liber homo amittat curiam suam.

¶ Et quod una mensura vini per totum regnum nostrum & una mensura bladi per totum regnum nostrum & una latitudo pannorum tinctorum & russettorum & halbergettorum scilicet duarum ulnarum infra listas fiat. Et de ponderibus sicut de mensuris.

¶ Nichil detur de cetero vel capiatur de cetero pro brevi inquisitionis de vita vel membris sed gratis concedatur & non negetur.

¶ Et si aliquis teneat de nobis per feodi firmam vel per socagium vel per burgagium & de alio per servicium militare nos non habebimus custodiam heredis nec terre sue quam tenet de alio ratione illius feodi firme vel socagii vel burgagii nec custodiam illius feodi firme vel socagii vel burgagii nisi ipse qui tenet feodum firmam vel socagium vel burgagium debeat inde servicium militare. Et sic facimus de custodia alicujus heredis vel terre quam tenet de alio ratione alicujus parve serjanterie quam tenet de nobis per servicium reddendi nobis cultellos vel sagittas vel hujusmodi.

¶ Nec ballivi nostri ponant aliquem ad legem simplici loquela sua sine testibus fidelibus.



Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum.

Sed ut perspiciatis unde omnis iste natus error sit voluptatem accusantium doloremque laudantium, totam rem aperiam, eaque ipsa quae ab illo inventore veritatis et quasi architecto beatae vitae dicta sunt explicabo. Nemo enim ipsam voluptatem quia voluptas sit aspernatur aut odit aut fugit, sed quia consequuntur magni dolores eos qui ratione voluptatem sequi nesciunt.

Neque porro quisquam est, qui dolorem ipsum quia dolor sit amet, consectetur, adipisci velit, sed quia non numquam eius modi tempora incidunt ut labore et dolore magnam aliquam quaerat voluptatem. Ut enim ad minima veniam, quis nostrum exercitationem ullam corporis suscipit laboriosam, nisi ut aliquid ex ea commodi consequatur? Quis autem vel eum iure reprehenderit qui in ea voluptate velit esse quam nihil molestiae consequatur, vel illum qui dolorem eum fugiat quo voluptas nulla pariatur?

At vero eos et accusamus et iusto odio dignissimos ducimus qui blanditiis praesentium voluptatum deleniti atque corrupti quos dolores et quas molestias excepturi sint occaecati cupiditate non provident, similique sunt in culpa qui officia deserunt mollitia animi, id est laborum et dolorum fuga. Et harum quidem rerum facilis est et expedita distinctio. Nam libero tempore, cum soluta nobis est eligendi optio cumque nihil impedit quo minus id quod maxime placeat facere possimus, omnis voluptas assumenda est, omnis dolor repellendus.

Temporibus autem quibusdam et aut officiis debitis aut rerum necessitatibus saepe eveniet ut et voluptates repudiandae sint et molestiae non recusandae. Itaque earum rerum hic tenetur a sapiente delectus, ut aut reiciendis voluptatibus maiores alias consequatur aut perferendis doloribus asperiores repellat.

Nam libero tempore, cum soluta nobis est eligendi optio cumque nihil impedit quo minus id quod maxime placeat facere possimus, omnis voluptas assumenda est, omnis dolor repellendus. Temporibus autem quibusdam et aut officiis debitis aut rerum necessitatibus saepe eveniet ut et voluptates repudiandae sint et molestiae non recusandae.

Itaque earum rerum hic tenetur a sapiente delectus, ut aut reiciendis voluptatibus maiores alias consequatur aut perferendis doloribus asperiores repellat. Sed ut perspiciatis unde omnis iste natus error sit voluptatem accusantium doloremque laudantium, totam rem aperiam, eaque ipsa quae ab illo inventore veritatis et quasi architecto beatae vitae dicta sunt explicabo.

Nemo enim ipsam voluptatem quia voluptas sit aspernatur aut odit aut fugit, sed quia consequuntur magni dolores eos qui ratione voluptatem sequi nesciunt. Neque porro quisquam est, qui dolorem ipsum quia dolor sit amet, consectetur, adipisci velit, sed quia non numquam eius modi tempora incidunt ut labore et dolore magnam aliquam quaerat voluptatem.

Ut enim ad minima veniam, quis nostrum exercitationem ullam corporis suscipit laboriosam, nisi ut aliquid ex ea commodi consequatur? Quis autem vel eum iure reprehenderit qui in ea voluptate velit esse quam nihil molestiae consequatur, vel illum qui dolorem eum fugiat quo voluptas nulla pariatur?

At vero eos et accusamus et iusto odio dignissimos ducimus qui blanditiis praesentium voluptatum deleniti atque corrupti quos dolores et quas molestias excepturi sint occaecati cupiditate non provident, similique sunt in culpa qui officia deserunt mollitia animi, id est laborum et dolorum fuga. Et harum quidem rerum facilis est et expedita distinctio.

HENRICVS DEI GRA REX Angl' Dominus Hybn' Dux Normann' Aquitan' & Comes And'. Archiep's. Epis. Abbat's. Priorib's. Comitib's. Baronib's. Vicecomitib's. Prepositis. Ministris. & omnib's Ballivis & fidelib's suis p'sentem Cartam inspecturis. Salutem. Sciatis q'd nos intuitu dei & p' salute Anime nostre & Animar' antecessor' & successor' nror' ad exaltacionem sce Ecclie & emendacionem Regni nri. Sponte & bona voluntate nra dedim's & concessim's Archiep's. Epis. Abbat's. Priorib's. Comitib's. Baronib's. & omnib's de Regno nro has libertates subscriptas tenendas in Regno nro Anglie in perpetuum. In primis concessimus deo & hac p'senti Carta confirmasse pro nob & hered' nris in perpetuum q'd Anglicana ecclia libera sit & habeat omia jura sua integra & libertates suas illesas. Concessimus etiam omnib's liber' homib's Regni nri. p' nob & hered' nris in perpetuum omes libertates subscriptas habendas & tenendas eis & hered' suis de nob & hered' nris. Si quis Comitum ut Baronum nror' sive aliorum tenentium de nob in capite p' servicium militare mortuus fuerit & cum decesserit hered' ejus plene etatis fuerit & relevium debeat. habeat hereditatem suam p' antiquum relevium. Scilicet hered' vel hered' Comitis de Baronia Comitat' integra. p' centum libras. hered' vel hered' Baronis de Baronia integra. p' centum libras. hered' vel hered' Militis de feodo militari integro. p' centum solidos ad plus. & qui minus debuerit minus det secundum antiquam consuetudinem feodor'. Si autem hered' alicuius talium fuerit infra etatem. Dns ejus non habeat custodiam ejus nec ejus ne sive antequam homagium ejus ceperit & postea talis hered' fuerit in custodia cum ad etatem pervenerit. s. viginti & unius annor'. habeat hereditatem suam sine relevio & sine fine. sed tamen ea tempestate qua ad ipsum devenerit terram relevet nos secundum quod ei pertinuerit. Custos autem terre hujusmodi hered' qui infra etatem fuerit non capiat de terra hered' nisi rationabiles exitus & rationabiles consuetudines & rationabilia servicia & hoc sine destructione & vasto hominum vel rerum. Et si nos commiserimus custodiam alicui talium ter' & ipse custodiam illam destructionem vel vastum inde fecerit vel ea quer' nobis. Et sic nos commiserimus custodiam alicui vicecomiti vel alicui alii qui de exitibus terre illius nob' debeat respondere & ille destructionem vel vastum de custodia fecerit vel ea quer' nos ab illo capiemus emendam. & terra committatur duobus legalibus & discretis hominibus de feodo illo qui de exitibus nob' respondeant vel ei cui eos assignabimus. Et si dederimus vel vendiderimus alicui custodiam alicuius talium terr' & ille destructionem inde fecerit vel vastum. amittat ipsam custodiam. & tradatur duobus legalibus & discretis hominibus de feodo illo qui similiter nob' respondeant sicut predictum est. Custos autem quamdiu custodiam habuerit sustentet domos. parcos. vivaria. stagna. molendina & cetera ad terram illam pertinentia de exitibus terre ejusdem & reddat heredi cum ad plenam etatem pervenerit terram suam omnia instauratam de carucis & omnib's aliis rebus ad minus sicut quod illam recepit. & colonia observent de custodiis sibi commissis. Archiep's. Epis. Abbates. Priores. Templarii. Hospitalarii. Comites & Barones nullus capiat pro custodia terre hered' alicuius infra etatem nec pro custodia ecclie vel Archiepatus. Epatus. Abbatie. Prioratus. Templi. Hospitalis. Comitatus. Baronie. Dignitatis. vel Ecclie vacantis que ad nos spectet. sicut predictum est. non vendemus. non dabimus. non vendemus. non dabimus. non vendemus. non dabimus

Entry upon the Charter Roll 21 H. III.

Carta de libertatibus * * :

Rex omnibus ad fidelibus presentem cartam inspecturis salutem. Sciatis quod intuitu dei et pro salute anime nostre et animarum antecessorum et heredum nostrorum et ad exaltationem sancte ecclesie et emendationem
regni nostri concessimus et hac carta nostra confirmavimus archiepiscopis episcopis abbatibus prioribus comitibus baronibus militibus liberis hominibus et omnibus de regno nostro Angl. omnes
libertates et libras consuetudines contentas in cartis nostris quas eisdem fidelibus nostris fecimus cum minoris essemus etatis. Salvo tamen in magna carta nostra quam in carta nostra de fo-
resta. Et volumus et precipimus pro nobis et heredibus nostris quod prefati fideles nostri et successores et heredes eorum habeant et teneant in perpetuum omnes libertates et libras consuetudines predictas
non obstante eo quod predicte carte constiterint cum minoris comunis etatis ut predictum est. Hiis testibus venerabilibus patribus E. Cantuariensi archiepiscopo. F. Winton. J. Lachon. R. Juniolin.
R. Lond. W. Carleol. W. Exon. R. Sarr. H. Elyens. R. Linc. R. Hereford. R. Coventr. et Lichef. episcopis. W. Valent. W. Wigorn. Elias. R. Com. Cornub. et Ficc. J. Com.
Linc. et Const. Cestr. W. Comite de Ferr. W. Comite Warenn. H. Comite Kanc. H. Com. Essex. et Hereford. Symone de Montefort. Willo. Lungesp. Willo. de Ferrar.
Willo. de Vesci. Rico. de Percy. Rico. de Munfichet. Willo. de Ros. Johe. Biset. Gileb. de Umfranvill. Willo. de Lancastr. Willo. de Cantilup. Walter. de Clifford. Johe. de
Monem. Rado. de Mortuo Mari. Willo. Mandut. Rogo. la Ruche. Olivero de Vallibus. Gilebto. Basset et alis. Rad. per manum venerabilis patris R. Eycestr. episcopi Cancell. nostri
apud Westm. xxviii. die Jan. A. r. n. xxi. Consimilem cartam habent archiepiscopi abbates priores comites Barones et omnes alii de comitatu Sutham.

** Inchoacion de libertatibus

Ut in Exemplari typis impresso pagina 34, 35, 36

Every Thing heretofore printed in any former Collection of Statutes, is in this Volume printed in an uniform Type; and all new Matters, whether Various Readings, Notes, or entire Statutes or Instruments, are distinguished by a smaller Type. The entire Matters whether old or new, of which the Dates are ascertained, are placed in Chronological Order; and all, during the Reigns of Hen. III. Edw. I. and Edw. II., the Dates of which are uncertain, are classed together, after the Manner of former Editions, at the End of the Reign of Edward II.

A compleat Enumeration of all Matters included in this Collection, whether as Text or in the Notes, is exhibited in a general CHRONOLOGICAL TABLE OF CONTENTS prefixed to the Body of the Statutes; specifying the Source or Authority, from whence the Text, Notes, and Various Readings are respectively taken.

2. OTHER MATTERS of a Parliamentary Form and Character have been recognized at different Periods of our History, as appearing to have Legislative Authority. It has been observed by Lord Coke, that "Acts of Parliament are many times in form of Charters or Letters Patent;" and many such have been inserted in all Editions of the Statutes: and that there are "many Acts of Parliament that be in the Rolls of Parliament and never yet "printed:" In the Report also of the Select Committee of the House of Commons, in the Year 1800, upon the Subject of the Public Records, it is stated, that many Statutes and Ordinances in the Rolls of Parliament are not inserted in the Printed Statute Books; And it is certain that many Acts and Matters not found on any Statute Roll, nor contained in any printed Editions of the Statutes, are found on the Parliament Rolls, which appear to have received the threefold Assent of King, Lords, and Commons, or to have such Qualities, as have been allowed by Courts of Law to imply that Assent.

With a View therefore to a Consideration of the Question, whether Matters of this Nature should be comprehended in the present Work, Lists of a great Number of them were prepared, not only from the Parliament Rolls, but also from other Records, particularly the Close Rolls and Patent Rolls, which were examined for the Purpose with great Care and Diligence, and Transcripts and Collations of many of them were made for the Examination of the Commissioners. In the Progress of this Labour, however, it appeared that the Matters which came within the Description above mentioned, were so numerous, that the indiscriminate Insertion of all of them would constitute a Mass, the very Bulk of which would prove inconvenient. But, what was of still greater Importance, upon Examination it became with respect to many of them, a Subject of Discussion, from which no certain Conclusion could be derived, to what Extent they had in fact received Sanction, and whether therefore they were, in any Degree, entitled to be considered as of Legislative Authority. It was obvious, at the same Time, that to have made a Selection only of such Matters as in the Opinion of the Commissioners were the least doubtful, was in Effect encountering the same Difficulty only in a smaller Degree; and the Sources, from which they were to be taken, not being in themselves conclusive Evidence, that the Matters contained in them were Statutes, the Selection in each Instance necessarily could be nothing more than the Result of private Judgment; without the Authority of that "general received Tradition," which, as Lord Hale observes, attests and approves those Statutes which are not properly extant of Record.

Acts also which received the Royal Assent, and which were entered only on the Parliament Roll, and not on the Statute Roll, have been frequently termed Ordinances; and various Distinctions have ineffectually been attempted to be made between an Ordinance and a Statute, with regard to the Nature and Validity of each respectively: But whatever has at any Time been written on this Subject is contradictory and indistinct; and in the Reign of Charles I, the Information on this Point, then of some Importance, appears to have been very unsatisfactory.

From these Considerations therefore, upon mature Deliberation, it has been deemed advisable that this Collection should include all such Instruments as have been inserted in any general Collection of Statutes printed previously to the Edition by Hawkins; with the Addition, only, of such Matters of a public Nature, purporting to be Statutes, as were first introduced by him or subsequent Editors, and of such other New Matters of the like Nature, as could be taken from Sources of Authority not to be controverted; namely, Statute Rolls, Inrollments of Acts, Exemplifications, Transcripts by Writ, and Original Acts.

In the 31st Year of Henry VIII. the Distinction between Public Acts and Private Acts is for the first Time specifically stated on the Inrollment in Chancery. No Private Acts passed after that Date have been admitted into this Collection: It has been thought sufficient to notice them, by the Insertion of their Titles only.

SECT. II.

Of the Sources from whence the several Matters have been taken.

I. THE SOURCES from which the Materials have been taken for this Collection, are necessarily of a different Character and Description in different Periods of our History.

The

Appendix, (G.)

Historical and Explanatory Introduction.

The earliest Statutes contained in the several Collections are those of Henry III; but no Parliamentary Record of Statutes is now known to be extant, prior to the Statute Roll 6 Edw. I. To this interval nevertheless belong the Statutes of Merton, Marlborough, Westminster the First, and several others, always included in the Printed Editions. For this early Period, therefore, Recourse must be had to inferior Sources for the Text of our Statute Law: And even in subsequent Times, there is not only an Interruption in the Series of Statute Rolls, namely, after 8 Hen. VI. until 23 Hen. VI. inclusive, during which the like Recourse must be had to Sources of an inferior Degree of Authority; but the Statute Rolls themselves do not, within their own Period, contain all the Instruments which have been acknowledged as Statutes. After 8 Edw. IV. the Statute Roll is not preserved; after 4 Henry VII. it ceased to be made up; and ultimately it was succeeded, for practical Purposes, by the Inrollment in Chancery; though during a short Period the Statute Roll and the Inrollment appear to have been contemporary.

The Materials for the several Periods during which no Statute Rolls or Parliamentary Records exist, can only be collected from Records, on which Copies or Extracts of Statutes have been entered; or from other Manuscripts not of Record; or, in Default of other Authority, from the oldest Printed Editions in which such Matters were first inserted. With respect to Entries of Record, in these Periods, That has been judged to be the most authentic Evidence of a Statute, which has been preserved as a Record or authentic Copy from antient Times, in the Custody of the highest Courts authorized for that Purpose. Such are Copies or Extracts of particular Statutes found in the Close, Patent, Fine, and Charter Rolls, being Records of Chancery. Such also are the Red Books of the Exchequer of Westminster, and Dublin. On Failure of these Records, Recourse has, of Necessity, been had to Manuscripts not of Record, preserved in the Custody of Courts of Justice, Public Libraries, or other Public Repositories. Such are some antient Books of Statutes in the Exchequer at Westminster, in the Town Clerk's Office, London, in the several Cathedrals, in the Public and other Libraries of the several Universities of Oxford, Cambridge, and Dublin, and in the British Museum: When all these Sources have proved deficient, and in such Case only, a Copy has been admitted, from the oldest Printed Edition, with Various Readings from subsequent Printed Editions.

During the Periods in which Statute Rolls or other Parliamentary Records do actually exist, the Authentic Evidence of Statutes, (and of other Proceedings in Parliament, before the Commencement of the Journals,) must be searched for upon Statute Rolls; Inrollments of Acts; Exemplifications of such Statute Rolls or Inrollments; Transcripts by Writ into Chancery for the Purpose of such Exemplifications; Original Acts; and Rolls of Parliament.—These are the only Authentic Sources from whence, during those Periods a Knowledge can be obtained of the different Occurrences in Parliament, whether important or minute. With the Exception of some Rolls containing Proceedings in Parliament from 18 to 35 Edw. I. which are in the Chapter House at Westminster, such of the Original Statute Rolls, Inrollments of Acts, and Parliament Rolls, as are still preserved, are deposited in the Tower of London, or at the Chapel of the Rolls, Places appropriated to the Custody of the Records of the King's Chancery, which has ever been deemed the proper Repository of the Statutes of the Kingdom.

II. The Nature and Qualities of the several Records and Manuscripts from whence all the Statutes, as well those of an earlier as of a later Period, have been taken for Insertion or Collation in this Work, and the Place where each original Record and Manuscript is kept, will more fully appear from the following Detail.

1. Statute Rolls.—These are Records of Chancery, of the highest Authority, on which were entered the several Statutes when drawn up in Form, for the Purpose of being proclaimed and published; these Statutes being framed upon such Original Petitions and Answers, or Entries thereof on the Parliament Rolls, as related to Public Concerns. The earliest Statute Roll now known to exist, is that which commences with The Statute of Gloucester 6 Edw. I. A.D. 1278. From that Period to 8 Edw. IV. inclusive, A.D. 1468, with an Interruption, after 8 Hen. VI. until 23 Hen. VI. inclusive, the Statutes are preserved in the Tower of London in a regular Series, on Six separate Rolls, each Roll consisting of several Membranes tacked together. The Contents of each Roll are as follows, viz.

Of the Great Roll; Statutes from 6 Edw. I. to 50 Edw. III. But this Roll does not contain all the Statutes which have been printed as of that Period.

Second Roll; Statutes Temp. Ric. II. There is also a separate Roll, of one Membrane, containing a Duplicate of the Statutes 21 Ric. II.

Third Roll; Statutes Temp. Hen. IV. and V.

Fourth Roll; Statutes 1 Hen. VI. to 8 Hen. VI.

Fifth Roll; Statutes 25 Hen. VI. to 39 Hen. VI.

Sixth Roll; Statutes 1 Edw. IV. to 8 Edw. IV. This is the last Statute Roll now known to exist, none of a later Date having been found.

Entry of the Inspeximus of Magna Carta:
upon the Statute Roll 25 Edw. I.

Edwardus dei gra Rex Angl dns Hybn & Dux Aquit. Omnibz ad quos psentes lre pvenerint salt. Inspeximus quandam cartam dñi H. quondam Regis Angl patris nri de libertatibz Angl in hac verba. Henricus dei gra Rex Angl, dns Hybn, Dux Normann, Aquit & Comes Andegavie. Archiepis. Epis Abbatibz. Prioribz. Comitibz. Baronibz. Vicecomitibz. Prepositis. ministris & omnibz ballivis & fidelibz suis psentem cartam inspecturis salt. Sciatis quod nos intuitu dei & pro salute anime nre & animarum antecessorum & successorum nrorum & ad exaltationem sce ecclie & emendationem regni nri, sponte nra & bona voluntate nra dedimus & concessimus, archiepis. Epis Abbatibz. Prioribz. comitibz. Baronibz. & omnibz de regno nro, has libertates subscriptas, tenendas in regno nro Angl imperpetuum. In primis concessimus deo, & hac psenti carta nra confirmavimus pro nobis & heredibz nris imperpetuum quod ecclia Anglicana libera sit & habeat omnia jura sua integra & libertates suas illesas. Concessimus etiam & dedimus omnibz liberis hominibz regni nri, pro nobis & heredibz nris imperpetuum, has libertates subscriptas, habendas & tenendas eis & heredibz suis de nobis & heredibz nris imperpetuum. Si quis comitum vel Baronum nrorum, sive aliorum tenentium de nobis in capite

The Entry continues without any division of Paragraphs, and concludes as follows.

terre / vigil suos / pro hac autem donatione & concessione libertatum istarum & aliarum contentarum in carta nra de libertatibz foreste / archiepis. Epis & Abbis Prioribz & comitibz Baronibz militibz & libe tenentibz & omnibz de regno nro dedimus nobis quintamdecimam partem omnium mobilium suorum. Concessimus etiam eisdem pro nobis & heredibz nris, quod nec nos, nec heredes nri, aliquid perquiremus / per quod libertates in hac carta contente infringantur vel infringi vel contra eas aliquid fiat / nichil valeat & pro nullo habeatur. Hiis testibz, dño. S. Cantuarien archiepo. London Epo. P. Wynton. Epo. P. Bathon. Epo. P. Cicestren. H. Lincoln & P. Sar. G. Roffe. G. Wygorn. P. Elien. H. Hereforden. R. Ovestr. G. Exon Epis. Abbe de Edmundi Abbe de Albani, Abbe de Bello. Abbe de Burgo sci Petri Abbate de Evesham. Abbate de Wigorn. Abbe de Reding. Abbe de Abyndon. Abbe de Malmesbyri. Abbe de Cirencestr. Abbe de Hyda. Abbe de Certesie. Abbe de Schyrburn. Abbe de Cerne. Abbe de Abbotesbyr. Abbe de Middelton. Abbate de Selebi. Abbate de Cirencestr. H. de Hungo Justic. H. comite Cestr & Lincoln. W. comite Sar. W comite Warenn. G. de Clare comite Glouc. & Hereford. G. de Mandevill comite Essex. H. le Bigod comite Norff. W. comite Albemarle. H. comite Hereford. J. constabulario Cestr. R. de Vivon. R. filio Walt R. de Veri Comite. W. de Huntingefeld. R. de Muntefichet. P. filio Herb. W. de Aubeny. M. Gresl. M. de Lyrey. J. de Monemue. Justic Alam. H. de Monte alto. W. de Bello campo. W. de Stuteville. P. de Valle Roci. Hugone de Neville. Thoma de Multon. R. de Hegeham. G. de Neuill. W. Mandut & P. de Balun & aliis. Dat apud Westm. xv. die Febr. anno. R. H. nono. Nos autem donationes concessiones predictas paratas habemus & gratas, eas rata nobis & heredibz nris concedimus & confirmamus. eadem tenore presencium innovamus. Volentes & concedentes pro nobis & heredibz nris, quod carta predicta in omnibz & singulis suis articulis imperpetuum firmitate & inviolabilitate observetur. Quibz & aliis articulis in eadem carta contentis. Universis forsitan non fuerunt observanda. In cujus rei testimonium has litteras nras fieri fecimus patentes. Data Odiham filio nro apud Westm. duodecimo die octobr. Anno R. n. decimo & nono.

These have ever had the Reputation annexed to them of being Statute Rolls. Some of them are cited by that Name upon the Close and Patent Rolls; and referred to by great Law Writers, Lord Coke, Lord Hale, and the Editors of Statutes, Pulton, Hawkins, Cay, &c. There is Evidence also that Statute Rolls have existed of a subsequent Time; for the Statutes after 8 Edward IV, until 4 Henry VII. inclusive, are inserted in the early Printed Editions in a Form manifestly copied from complete Statute Rolls; and they are found in the like Form in Lib. XI. in the Exchequer at Westminster, MS. Cott. Nero C. I, in the British Museum, and in several other Manuscript Collections. But there is Reason to conclude, that the making up of the Statute Roll entirely ceased with the Session 4 Hen. VII, as no such Roll of a later Date, nor any Evidence thereof has been discovered; and it is observable that in the next Session, 7 Hen. VII, Public Acts were, for the first Time, printed from the several Bills passed in Parliament, and not as Part of one general Statute drawn up in the antient Form.

2. Inrollments of Acts of Parliament.—These are Records, containing the Acts of Parliament certified and delivered into Chancery. They are preserved in the Chapel of the Rolls, in an uninterrupted Series from 1 Ric. III. to the present Time; except only during the Usurpation. By the Officers of Chancery they are commonly termed "Parliament Rolls;" and they are variously endorsed, some with the Phrase "Inrollments of Acts." From 1 Ric. III. to 3 Car. I. inclusive, they comprehend several other Proceedings of Parliament besides the Acts inrolled; (sometimes for Instance, the Commissions for giving the Royal Assent to Bills are found entered on them); thus partaking of the Qualities of Rolls of Parliament, and including nearly the same Contents: until, the miscellaneous Matters disappearing by Degrees, the Acts inrolled only occur: After 5 Hen. VII. they may be considered in Effect, as coming in the Place of the Statute Roll. To 25 Hen. VIII. they contain all Acts, Public and Private, which were passed in every Session, each with an introductory and concluding Form of their being presented and assented to: From 25 Hen. VIII, to 35 Eliz. several of the Private Acts, and afterwards to 3 Car. I. all the Private Acts, are omitted, their Titles only being noticed. From 16 Car. I. to 31 George II. the Inrollments contain nothing but the Public Acts, and the Titles of the Private Acts, with the several Forms of Assent, without any other Parliamentary Matter. And from 32 George II. their Contents are the same, with the Omission of the Titles of the Private Acts.

At present, after all the Public-General Acts of the Session have received the Royal Assent, a Transcript of the Whole is certified by the Clerk of the Parliaments, and deposited in the Rolls Chapel: On that Occasion the Clerk of the Parliaments sends the Roll, or Rolls, containing such Transcript, apparently in a complete State, engrossed on Parchment, signed, and certified by him as Clerk of the Parliaments; and it is thereupon arranged with the other Records; and thus becomes the Inrollment of the Statutes of that Session of Parliament. For this Transcript the Clerk of the Parliaments is paid every Session out of the Hanaper, on a Receipt by the Clerk of the Records in the Rolls Chapel, stating that the Roll is delivered there.

It may be further observed upon this Subject, that the Proceedings which took Place in the House of Lords in Ireland in 1758, for the better Preservation of the Records of Parliament in that Kingdom, where the Constitution and Law of Parliament were in all essential Points conformable to those of England, afford a strong Illustration of the Practice of certifying Statutes and recording them in Chancery.

3. Exemplifications; and Transcripts by Writ.—Exemplifications are Copies sent out of Chancery under the King's Seal; either to Sheriffs of Counties and Cities in England, or to the Chancellor or Chief Justice of Ireland, or to other Courts or Places, for the safe Custody and for the proclaiming or confirming of the Statute; or in other Cases for affording Authentic Evidence of the Statute. In the Tower of London, Copies of the Statutes 9, 10, 11, 14, 15, 18 and 20 Hen. VI. (for some Years to the Number of two, three, six, or seven Copies) are preserved on separate Skins of Parchment, which appear to have been prepared as Exemplifications, for the Purpose of proclaiming the several Statutes; and these serve to supply the Deficiency of the Statute Roll during that Period. One similar Copy of the Statutes 13 Ric. II. is also preserved in the Tower.

It is not irrelevant to remark, that an Exemplification differs from an Original Grant under the Great Seal, or an Original Act of Parliament, in this; that an Exemplification is a Copy, and can be made only from the Record. At the present Day every Exemplification, being first made out in Form by the proper Officer, is examined with the Record by Two Masters in Chancery, who not only subscribe a Certificate on the Exemplification, of their having examined it with the Record, but also sign a Certificate to that Effect, addressed to the Lord Chancellor, on a Paper called the Docket, which is left with him before the Exemplification is allowed to pass the Great Seal.

Transcripts by Writ were Copies sent into Chancery in Answer to the King's Writ or Mandate, calling for a Copy of the Statute from the Officer in whose Custody it was preserved. A Transcript of the Statutes of Wales 12 Edw. I. is preserved in the Tower of London, with the Writ annexed, by which that Transcript was required from the Exchequer at Westminster; where it was entered of Record, according to the Usage which formerly

APPENDIX, (G.)

Historical and Explanatory Introduction.

prevailed of sometimes inrolling Statutes in Courts of Justice. Transcripts and Exemplifications of Statutes have also been occasionally found in various other Repositories.

4. Original Acts.—These, from the 12th Year of Henry VII. to the present Time, with some Interruption, particularly in 14 & 15 Hen. VIII. and 21 Hen. VIII. are preserved in the Parliament Office. Some Petitions and Bills previous to 12 Hen. VII. are in the Tower of London, but in no regular Series. The Original Acts in the Parliament Office consist of the Bills as ingrossed after being brought into Parliament, and in the State in which, after such Ingrossment, they passed both Houses, and received the Royal Assent. Each Act is on a separate Roll numbered; and Reference is made to them from a Calendar kept of the Acts of each Session in the Parliament Office. These are the Materials from which the Clerk of the Parliaments makes up the Inrollments of Public Acts sent by him into Chancery, and preserved there; or certifies Acts into Chancery, when required so to do.

As to the comparative Authority of the Original Acts and the Inrollments in Chancery, it is to be observed, that all the Original Acts are separate from each other; and that they are frequently interlined, defaced, erased, and in many Instances, with great Difficulty intelligible: The Inrollment in Chancery is always fair and distinct; and the Acts are entered in a regular Series, on one Roll or subsequent Rolls, as Part of the Proceedings of a Parliament, the Time of the holding of which is stated at the Beginning of the Roll. In modern Practice, if any Doubt arises as to the Correctness of the Inrollment in Chancery, Application is made to the Clerk of the Parliaments; and the original Act is thereupon produced, and compared with the Inrollment, and an Amendment, if requisite, is made in the Inrollment accordingly.

5. Rolls of Parliament.—These contain Entries of the several Transactions in Parliament; when complete they include the Adjournments, and all other common and daily Occurrences and Proceedings from the Opening to the Close of each Parliament, with the several Petitions or Bills, and the Answers given thereto, not only on public Matters, on which the Statute was afterwards framed, but also on private Concerns. In some few Instances the Statute as drawn up in Form is entered on the Parliament Roll: but in general the Petition and Answer only, are found entered; and in such Case the Entry, of itself, furnishes no certain Evidence, that the Petition and Answer were at any Time put into the Form of a Statute.

Copies of Petitions in Parliament and Answers thereto, as early as 6 Edw. I. and in various Years of Edw. II. and Edw. III. are among Lord Hale's Manuscripts in the Library of Lincoln's Inn. Rolls containing Pleas, Petitions, and Answers, and other Proceedings in Parliament, from 18 to 35 Edw. I. and one of Petitions in Parliament 7 Hen. V. are in the Chapter House at Westminster. A Book of Inrollment, called Vetus Codex, in which are entered Proceedings in Parliament, from 18 Edw. I. to 35 Edw. I. and in 14 Edw. II. is in the Tower of London. In that Repository also are preserved Rolls containing Pleas and other Proceedings in Parliament, between 5 Edw. II. and 13 Edw. III.; Rolls of Parliament of 9 Edw. II.; 4, 5, and 6 Edw. III.; and 13 Edw. III.; and from thence, to the End of the Reign of Edward IV. in a regular, and nearly uninterrupted, Series. After that Time the Rolls of Parliament are, for a certain Period, supplied by the Inrollments of Acts preserved in the Chapel of the Rolls, and finally by the Journals of the Two Houses of Parliament.

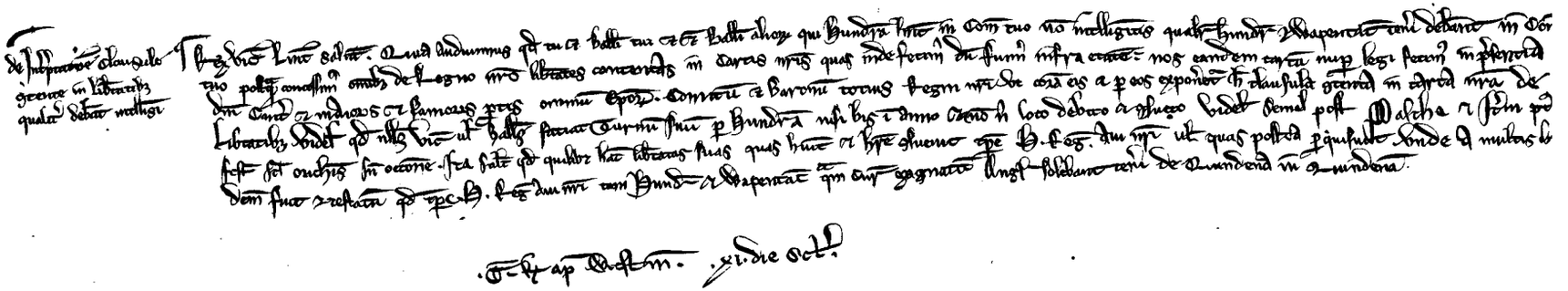
6. The Close, Patent, Fine, and Charter Rolls, among a Variety of Grants, Recognizances, and other Miscellaneous Matters, concerning the State of the Realm and the Rights of the Crown, recorded in them, include Entries of Statutes, and some Instruments having direct Reference to Statutes wherein such Statutes are recited at length. These Rolls are kept at the Tower, from the Beginning of the Reign of King John to 22 Edw. IV., and from the Reign of Edw. V. to the present Time at the Chapel of the Rolls.

7. Books of Record, containing Entries of Statutes and Parliamentary Proceedings.—Of this Sort is, The Red Book of the Exchequer at Westminster, some of the early Part of which was compiled by Alexander de Swereford, first a Clerk, and afterwards a Baron of the Exchequer, in the Reign of Henry III. It seems afterwards to have been considered and used as an authorized Repository by the Court itself; and contains Entries and Inrollments of many Charters and antient Acts of Parliament, as well as other Instruments relating to the King and the Rights of the Crown, from the Time of William the Conqueror to the End of Edw. III.: The Originals of several of these Acts and Instruments are preserved in the Tower of London, and in the Chapter House at Westminster, with References to Inrollments in this Book, or to the Circumstance of the Act being sent into the Exchequer. The Red Book of the Exchequer at Dublin is considered as of the same Authority: It contains Entries of Magna Carta 1 Hen. III. especially granted to the People of Ireland; of the Statute of Westminster the First, 3 Edw. I., (which is not to be found on the Great Roll of Statutes in the Tower of London, being prior in Date to the present Commencement of that Roll), and also of the Statutes of Gloucester, 6 Edw. I. de Viris Religiosis 7 Edw. I., and Westminster the Second, 13 Edw. I. agreeing in general with the Text of those Statutes on the Statute Roll in the Tower. There is reason to conclude that those Statutes were entered in the Red Book at Dublin, from an Exemplification sent over from England in the 13th Year of Edw. I. as is noticed

in

Entry upon the Close Roll 18 H. III.

See Magna Carta. c. 35.



Entry upon the Patent Roll 21 H. III.

See Stat. Merton.

De finibus levatis brevium

Rex archiepiscopis episcopis abbatibus prioribus comitibus baronibus et omnibus fidelibus suis ad quos presentes littere pervenerint salutem. Sciatis quod nos pro deo et pro salute anime nostre et omnium antecessorum nostrorum et heredum nostrorum ad exaltationem sancte matris ecclesie et ad emendationem regni nostri concessimus et hac carta nostra confirmavimus quod omnes finales concordie que facte fuerunt in curia nostra de terris tenementis redditibus et aliis rebus infra regnum nostrum a tempore domini Johannis regis patris nostri usque ad primam octabam sancte trinitatis anno regni nostri quinto decimo irrotulate remanserunt in rotulis cancellarie nostre et in rotulis scaccarii nostri et que postea usque ad predictum terminum irrotulate fuerunt in rotulis cancellarie nostre et in rotulis scaccarii nostri teneantur firme et stabiles et inconcusse imperpetuum. Ita quod nullus de cetero ponat breve de recto vel de consuetudine vel de libertate vel de aliquo alio quod pertineat ad finem levatum de aliquibus tenementis que in predictis finibus continentur nisi postquam finis ille irrotulatus fuerit in rotulis cancellarie nostre et in rotulis scaccarii nostri. Et si aliquis de cetero ponat breve de recto vel de consuetudine vel de libertate vel de aliquo alio quod pertineat ad finem levatum de aliquibus tenementis que in predictis finibus continentur postquam finis ille irrotulatus fuerit in rotulis cancellarie nostre et in rotulis scaccarii nostri et non prius, et ei de tenementis illis in curia nostra vel coram aliquo justiciario nostro vel coram vicecomite nostro vel coram aliquo ballivo nostro loquela summoneatur, ipse et omnes illi qui ad hoc consilium ei dederint vel auxilium prebuerint nobis in misericordia remanebunt. Et nichilominus finis ille in rotulis cancellarie nostre et in rotulis scaccarii nostri irrotulatus in omnibus suis articulis et clausulis teneatur et observetur et ad finem debitum et ad effectum debitum perducatur. Et ut hec nostra confirmatio et concessio firma et stabilis imperpetuum permaneat, presentem cartam nostram fieri fecimus et eam sigilli nostri munimine roborari. Hiis testibus venerabilibus patribus Stephano Cantuariensi archiepiscopo totius Anglie primate et sancte Romane ecclesie cardinali, Willelmo Londoniensi, Petro Wintoniensi, Jocelino Bathoniensi et Glastoniensi, Hugone Lincolniensi, Walkelino Norwicensi, Benedicto Roffensi, Willelmo Wigornensi, Willelmo Coventrensi, Benedicto Sancti Asaphi episcopis, magistro Pandulfo domini pape subdiacono et familiari, Willelmo Marescallo comite Penbrocie, Willelmo comite Sarisberie, Willelmo comite Warenne, Willelmo comite Arundell, Alano Galwidie constabulario, Willelmo de Cantilupo, Willelmo de Lanvalei, Roberto de Ros, Roberto filio Walteri, Willelmo de Aubeny, Petro filio Herberti, Hugone de Nevill, Matheo filio Herberti, Thoma Basset, Alano Basset, Philippo de Albiniaco, Radulfo filio Nicholai, Radulfo Fitz Stephen, Johanne de Monemue, Johanne de Lacy constabulario Cestrie, Roberto de Vipont, Roberto de Muschamp, Johanne de Baliol, Johanne de Munbray, Roberto de Gresley, Roberto de Tateshale, Johanne de Lexington, Johanne de Gatesden, Johanne de Grey, Johanne de Cressy, Johanne de Bohun, Johanne de Bassingeburn, Johanne de Bello Campo, Johanne de Bello Campo de Hanworth, Johanne de Bello Campo de Tingrith, Johanne de Bello Campo de Wardon, Johanne de Bello Campo de Cockefeld, Johanne de Bello Campo de Stanford, Johanne de Bello Campo de Radewell, Johanne de Bello Campo de Chetelhampton, Johanne de Bello Campo de Pirie, Johanne de Bello Campo de Hamelden, Johanne de Bello Campo de Wrotham, Johanne de Bello Campo de Eggefeld, Johanne de Bello Campo de Bradewell

in a Memorandum on the Close Roll of that Year. A Register Book marked A., preserved at the Chapter House at Westminster, as in the Custody of the Treasurer and Chamberlain of the Exchequer, contains Entries or Inrollments made in the Time of Edward I. Among these are the Statute of Gloucester, 6 Edw. I., and the Statute of Westminster the Second, 13 Edw. I. The Originals of the several Statutes and Instruments, it is stated in the Register, were deposited in certain Chests in the Chapter House; but these Originals have not been discovered.

8. Books and Manuscripts not of Record, containing Entries or Copies of Statutes, are very numerous. In the Court of Exchequer at Westminster are Three Books, marked IX. X. XI. Book X. contains many of the earlier Statutes previous to Edw. III.: Books IX. XI. contain the Statutes from 1 Edw. III. to 7 Hen. VIII.

In the Town Clerk's Office, at the Guildhall of the City of London, are several Manuscript Volumes; in which among other Matters chiefly relating to the Laws and Customs of the City of London, are Entries of many of the antient Statutes previous to Edward III. The greatest Number, and the earliest Copies are in two Volumes distinguished by the Appellation, Liber Horn, and Liber Custumarum. It appears from internal Evidence that Liber Horn was compiled about the Year 1311, and Liber Custumarum not long after the Year 1320: Liber Horn is rendered valuable by having been in many Instances corrected, in a later Hand Writing, from Exemplifications of Statutes sent under Seal to the Sheriffs of London. In two other Manuscripts, one called Liber de Antiquis Legibus, and the other Transcriptum Libri Albi, copied from a Volume originally compiled in the Mayoralty of Richard Whityngton A.D. 1419, 7 Hen. V., are occasional Entries of a few antient Statutes. In other Volumes marked G. H. and I. are Entries of some of the Statutes of Edw. III. Richard II. Henry IV. and Henry V.; many of them appearing to have been made from Exemplifications sent to the Sheriffs of London for Proclamation.

Of Manuscript Collections of Statutes, preserved in Public Repositories, the greatest Number collected together in any one Place, is to be found in the British Museum. They are distinguished as being of the Cottonian or Harleian Collection; from the Royal Library; Donation Manuscripts; and Lansdowne Manuscripts. The Cottonian Manuscripts Claudius D. II. and Vespasian B. VII. were resorted to by Hawkins and Cay, for Copies of Statutes previous to Edw. III.; and Nero C. I. for Statutes of Henry VI. and Edw. IV. not found at the Tower.

In the Bodleian Library at Oxford, are Rawlinson's, Hatton's, and Laud's Manuscripts. Among the latter is a Roll of Statutes, No. 1036, consisting of Eleven small Membranes of Parchment united together; not much more than Four inches wide; but each being Two Feet or more in length. This Roll appears to have been written in the Time of Edw. I: It contains no Statute later than the Articuli super Cartas, 28 Edw. I.

At Cambridge several Manuscript Collections of Statutes are preserved in the Library of the University, and in Trinity College Library. In Corpus Christi or Bene't College Library are the Manuscripts bequeathed to the College by Archbishop Parker.

Chartularies or Registers, preserved in several Cathedrals, contain Copies of some of the Old Statutes. Such are the Black Book of the Cathedral of Christ Church Dublin, written between the Years 1280 and 1299, and Register A. in Gloucester Cathedral, compiled in 1397.

In Lincoln's Inn Library, are Lord Hale's Manuscript Copies of Rolls and Petitions in Parliament: In the Inner Temple Library, Mr. Petyt's Collection of Manuscripts; among which are several Volumes of the Statutes. In many other Public Libraries also, Manuscript Collections of Statutes are preserved.

Of the several Manuscripts not of Record, an extensive and careful Examination has been made in preparing for the present Edition; and it has been ascertained that, although they differ from each other considerably in their Degrees of Antiquity and Correctness, yet the Credit of no single one is entirely to be relied on; for scarcely any Manuscript has yet been discovered, in any Repository, in which there are not some material Errors, perverting or altogether destroying the Sense of the Text. In some Instances, however, such as Cott. Claud. D. II. in the British Museum, and M m. v. 19, in the Library of the University of Cambridge, several of the Instruments contained in the Manuscripts purport to be examined by the Roll. In Liber Horn, in the Town Clerk's Office, London, several are marked as examined 'per Ceram;' 'per Ceram Gildaule;' 'per Statutum Gildaule London in Cera;' 'cum brevi cum eisdem in Gildaula adjunct'; all which signify that the Entry in the Book has been examined with an Exemplification of the Statute or Instrument under the Great Seal, sent to the Mayor and Sheriffs of London with or without a Writ for Publication thereof. The Rawlinson Manuscript No. 337. in the Bodleian Library at Oxford, and the Harleian Manuscript No. 5022 in the British Museum, refer to the Inrollment on the Statute Roll, of several Articles inserted in those Volumes, but do not profess that the Articles themselves were examined by that Roll.

III. On

108327

APPENDIX, (G.)
Historical and Explanatory Introduction.

III. On a mature Consideration of all the Circumstances before stated, the following Rules of Preference have been adhered to, in the Use of the several Sources for the Text, and for Various Readings of the Statutes, in the present Collection.

During the Periods in which Statute Rolls exist, such Statute Rolls have been considered and used as the highest Authority for the Statutes contained in them; namely the Statutes 6 Edw. I. to 8 Edw. IV.; with the Omission of the Statutes 9 to 23 Hen. VI. both inclusive.

But for such Statutes as, during the Period of the Existence of the Statute Rolls, do not appear on those Rolls; and for Statutes made in any Period of which the Statute Roll is not now in existence, namely previous to 6 Edw. I.; after 8 and before 25 Hen. VI; and after 8 Edw. IV; and also for the Correction of manifest Errors or Omissions in the Text, whether taken from Statute Rolls or elsewhere, the following Sources have been recurred to in regular Gradation; preference being given to them according to the following Order, but all being used and collated, where necessary; viz. 1. Inrollments of Acts—2. Exemplifications and Transcripts.—3. Original Acts.—4. Rolls of Parliament.—5. Close, Patent, Fine, and Charter Rolls.—6. Entries and Books of Record.—7. Books and Manuscripts not of Record.—And finally, 8. The Printed Copies; the earliest of which was not published until more than two hundred Years subsequent to the present Commencement of the Statute Rolls.

The following Reasons for Preference among Manuscripts not of Record have been adopted: 1. Their professing to be Authentic Copies from any Records, Exemplifications, or Transcripts: 2. Their Age; the oldest being on the whole the most worthy of Credit: 3. The Uniformity and Regularity of the Series of Statutes, and Instruments in each Collection: 4. Their having been already printed, and received in use, as Evidence of the Text of Statutes; or, if not so printed, their according with the printed Copies, and with each other, so that when the Manuscripts differ, the Majority should prevail: 5. Certain Manuscripts have been holden to be of superior Authority upon some particular Subjects, having special Connection with the Places in which they are preserved: Such as the Books preserved in the Exchequer, for Statutes relating to that Court, or to Accounts, or to Money; Books at the Town Clerk's Office, London, relating to the Assises of Bread and Ale, Weights, and Measures, &c: 6. In all Manuscripts some Articles are found much more correct than others; a Judgment has therefore frequently been formed from internal Evidence in Favour of a particular Statute or Reading, although the Manuscript in which such Statute or Reading were found, might not, in other Instances, be entitled to Preference: 7. Where it has happened that several Manuscripts agreed in the Text or Reading of any Instrument, and were so equal in their Claims for Preference, that it was entirely Matter of Indifference which should be chosen for a Source of Extract or Quotation, that Manuscript has been used which has been quoted or extracted from for other Purposes, in Preference to one not before quoted; and one which has already been printed from, in Preference to one which has not.

SECT. III.

Of the Mode used in searching for, transcribing, collating, noting, and printing the Text of the Statutes.

Immediately after the Commissioners had given their Directions for proceeding upon the Work, according to the Plans submitted to and approved of by them, Searches were made in the Tower of London and other principal Repositories in the Metropolis, which, by the Returns made to the Committee of the House of Commons upon Public Records, appeared to contain Authentic Records or antient Copies of Statutes; and in 1806, as hath been before-mentioned, every other Place of the same Description in England and Ireland was visited by Two Sub-Commissioners. Upon these Occasions, the Statute, Parliament, Close, Patent, Fine, and Charter Rolls, and other Records and Manuscripts preserved in the several Repositories, were examined: Reports of the Contents of these Records or Manuscripts were from Time to Time laid before the Commissioners: Numerous and repeated Transcripts and Collations were made, not only of the Statutes heretofore printed, but also of very many Instruments considered as fit to be introduced at Length, or as affording Materials for Notes and various Readings: And the printed Editions from the earliest Period to the present Time were collected together, examined, and compared with each other. From the whole of these Materials Lists were prepared of the Matters to be admitted, referring to the several Records, Manuscripts, and Books, in which they were respectively preserved or published. All the Transcripts and Collations made of these Matters were compared with each other, and with the printed Copies. The Transcript which, on full Examination, appeared to be made from the most authentic Source was used as the Copy of the Text to be printed: All the other Transcripts and Collations of the same Instrument, as also the printed Editions, were then compared and collated with this Copy; and the requisite Various Readings noted accordingly.

The Various Readings are suggested in the following Manner: First, By substituting one Reading for another: In this Case the Word or Sentence in the Text, of which an Alteration is suggested, is included between Two Crotchets,

Crotchets, with a Figure of Reference to the Note; and in the Note is inserted the Word or Sentence proposed to be substituted, with a Quotation of the Record or Manuscript or printed Copies in which it is found. Secondly, By inserting some Word or Sentence omitted: In this Case a Reference is included within a Parenthesis, and the Word or Sentence to be inserted is supplied in the Note. Thirdly, By noting the Omission, in other Copies, of a Word or Sentence inserted in the Text: In this Case the Word or Sentence in the Text is included between Crotchets with a Reference, and in the Note the Copies which omit such Word or Sentence are particularized.

The Entries on the Statute Rolls and Records of Chancery are very seldom broken into separate Paragraphs: though other Manuscripts are more frequently so divided. In all Cases where there is any Division of Paragraphs in the Record or Manuscript, the like Division has been made in the Transcript. The Transcript has been also occasionally divided into separate Chapters or Paragraphs, in Conformity with the printed Editions of the Statutes, and for the Convenience of Reference, in Places where such Division did not occur in the Record or Manuscript: But this has been done only when a full Stop or other Mark in the Manuscript appeared to justify the complete Separation of the Sentences. The Points or Stops are conformable to those in the Record; and in printing the Text of the antient Statutes, the same Mode has been adopted as with respect to the Charters, of exhibiting the Contractions as near as may be to the Likeness of the Original Characters. Where the Chapters or Clauses are numbered in the Record or Manuscript, such Number has been inserted in the Transcript. And the Numbers of the Chapters and Clauses in Cay's Edition, or the other Printed Editions from which the Translation is taken, are inserted at the Head of the Side Note or Abridgement affixed to the Translation.

In this State the Copy was sent to the Printer. The Proof Sheets supplied by him were in the First Instance compared with the Manuscript Transcripts. These Proofs being corrected, they were next compared with the Original Record, or Manuscript Authority from which such Transcripts were made. In Cases of Various Readings, the whole Article as printed, was also read and compared with the Record or Manuscripts from whence the Various Readings were suggested; and further Suggestions as to Notes of Various Readings and Amendments were adopted, as they continued to occur. The Sheets thus corrected, were again compared with the Record or Manuscript Authority, and the necessary Corrections marked thereon; which being made by the Printer, the Sheets were revised, and occasionally submitted to the Commissioners, under whose Directions many Amendments were made; and the Sheets were then finally printed off for the Work, as they now appear.

CHAP. IV.

SECT. I. *Of* THE ORIGINAL LANGUAGE *of the Charters and Statutes.*—SECT. II. *Of* THE TRANSLATION *in this Collection of the Statutes.*

SECT. I.

Of the original Language of the Charters and Statutes.

The LANGUAGE of the Charters and Statutes, from the Period of the earliest Charter now given, 1 Henry I. to the Beginning of the Reign of Henry VII. is Latin or French. From that Time it has been uniformly English. The Petitions or Bills on which the Statutes were founded, began to be generally in English early in the Reign of Hen. VI.

All the Charters of Liberties and of the Forest, from 1 Hen. I. to 29 Edw. I. (with the Exception after mentioned,) are in Latin; but Translations of some of them into French, are found in various Collections. In D'Achery's Spicilegium there is a French Translation, as it is called by Blackstone, of the Charter of King John; for it is doubtful whether that Charter was ever promulgated in French in this Kingdom. Some early Manuscripts contain French Translations of the Two Charters of 9 Hen. III., and of the Charters of Inspeximus and Confirmation in 25 and 28 Edward I., though these latter appear on the Statute and Charter Rolls in Latin. The Charter dated 5 Nov. 25 Edw. I. is in French; as is also the Duplicate of that Charter dated 10 Oct. and entered on the Statute Roll 25 Edw. I.

The Statutes of Henry III. are almost entirely in Latin. Some Legislative Matters, not in the Printed Collections, are entered on the Patent Rolls in French.

Appendix. (G.) Historical and Explanatory Introduction.

The Statutes of Edward I. are indiscriminately in Latin or French; though the former Language is most prevalent. But the Statute of Gloucester 6 Edward I. which on the Statute Roll is in French, appears in many contemporary Manuscripts in Latin. In several Manuscripts, particularly Register A. in the Chapter House at Westminster, this Statute is given at Length both in Latin and French. On the other hand the Statute of Westminster the Second, 13 Edw. I. which is in Latin on the Roll, appears in many Manuscripts in French; and Chapter 34 of this latter Statute, as to Violence against Women, which on the Roll appears in French, is given, *like the rest of the Statute, in Latin in several Manuscripts.* The French Chapter, 49, as to Champerty by *Justices, is omitted in the Tower Roll,* and *in many other Copies, which gives the Statutes in Latin, but is found in the Copies which give the Statute in French.*

The Statute of Edward II. are, like those of Edward I., indiscriminately in Latin or French; but the latter Language prevails more than in the Statutes of Edward I.

The Statutes of Edward III. are more generally in French than those of any preceding King; yet some few are in Latin. The Statutes of Richard II. are almost universally in French, those of the Sixth and Eighth Years are in Latin. The Statutes of Henry IV. with the Exception of Chapter 15 of the Statute 2 Hen. IV. which is in Latin, are entirely in French; as are those of Henry V., with the Exception of the short Statutes 5 and 7 Henry V. which appear in Latin.

The earliest Instance recorded of the Use of the English Language in any Parliamentary Proceeding, is in 36 Edw. III. The Stile of the Roll of that Year is in French as usual, but it is expressly stated that the Causes of summoning the Parliament were declared " en Englois;" and the like Circumstance is noted in 37 and 38 Edw. III. In the Fifth Year of Richard II. the Chancellor is stated to have made ' un bone collacion en En-' gleys,' (introductory, as was then sometimes the Usage, to the Commencement of Business) though he made use of the common French Form for opening the Parliament. A Petition from the " Folk of the Mercerye of " London," in the 10th Year of the same Reign, is in English; and it appears also, that in the 17th Year the Earl of Arundel asked Pardon of the Duke of Lancaster by the Award of the King and Lords, in their Presence in Parliament, in a Form of English Words. The Cession and Renunciation of the Crown by Richard II. is stated to have been read before the Estates of the Realm and the People in Westminster Hall, first in Latin and afterwards in English, but it is entered on the Parliament Roll only in Latin. And the Challenge of the Crown by Henry IV. with his Thanks after the Allowance of his Title, in the same Assembly, are recorded in English; which is termed his maternal Tongue. So also is the Speech of Sir William Thirnyng, the Chief Justice of the Common Pleas, to the late King Richard, announcing to him the Sentence of his Deposition, and the yielding up, on the Part of the People, of their Fealty and Allegiance. In the Sixth Year of the Reign of Henry IV. an English Answer is given to a Petition of the Commons, touching a proposed Resumption of certain Grants of the Crown, to the Intent the King might the better live of his own. The English Language afterwards appears occasionally, through the Reigns of Henry IV. and Henry V.

In the First and Second, and subsequent Years of Hen. VI. the Petitions or Bills, and in many Cases the Answers also, on which the Statutes were afterwards framed, are found frequently in English; but the Statutes are entered on the Roll in French or Latin. From the 23d Year of Hen. VI. these Petitions or Bills are almost universally in English, as is also sometimes the Form of the Royal Assent: But the Statute continued to be inrolled in French or Latin. Sometimes Latin and French are used in the same Statute, as in 8 Hen. VI.; 27 Hen. VI.; and 39 Hen. VI. The last Statute wholly in Latin on Record is 33 Hen. VI.; the last Portion of any Statute in Latin is 39 Hen. VI.; Chapter 2.

The Statutes of Edward IV. are entirely in French. The Statutes of Richard III. are in many Manuscripts in French, in a complete Statute Form; and they were so printed in his Reign and that of his Successor. In the earlier English Editions a Translation was inserted, in the same Form: But in several Editions, since 1618, they have been printed in English, in a different Form, agreeing, so far as relates to the Acts printed, with the Inrollment in Chancery at the Chapel of the Rolls. The Petitions and Bills in Parliament, during these Two Reigns, are all in English.

The Statutes of Hen. VII. have always, it is believed, been published in English; but there are Manuscripts containing the Statutes of the first Two Parliaments, in his First and Third Year, in French. From the Fourth Year to the End of his Reign, and from thence to the present Time, they are universally in English.

Attempts have been made by many learned Persons to explain this Variety of Languages in the earlier Periods of our Legislation; and some have referred the Preference of the one Language or of the other to the Operation of particular Causes. Nothing, however, is known with Certainty on this Subject; and at the present Day it is utterly impossible to account, in each Instance, for the Appearance of the Statute in French or in Latin. It seems on the Whole

Whole to be highly probable, that for a long Period of Time, Charters, Statutes, and others Public Instruments, were drawn up indiscriminately in French or Latin, and generally translated from one of those Languages into the other, before the Promulgation of them, which in many Instances appears to have been made at the same Time in both Languages.

It is Matter of Curiosity to observe, that the Use of the French Language in Statutes was preserved rather longer in Ireland than in England. The Statute Roll of the Irish Parliament 8 Henry VII. preserved at the Rolls Office in Dublin, is in French; on the Statute Roll of the Two next Parliaments of Ireland, 16 and 23 Hen. VII. the Introductory Paragraphs stating the holding of the Parliament, &c. are in Latin; after which follows an Act or Chapter in French, confirming the Liberties of the Church and the Land: and all the other Acts of the Session are in English.

SECT. II.

Of the Translation in this Collection of the Statutes.

THE PRINTED TRANSLATION of the Statutes previous to Hen. VII. used for the present Work, is that of Cay's Edition 1751: But as many Statutes and Parts of Statutes are omitted from the English of that Edition, the Deficiencies have been supplied from the Edition by Hawkins 1735, the Folio Edition 1618, usually called Rastall's; Pulton's Edition of the same Year; Rastall's Collection in English 1603; and in some few Instances from earlier English Collections, and other Authorities. Of Statutes and Instruments or Parts thereof, not heretofore translated, and of such only, a Translation has been now made, which is always distinguished by being printed in a smaller Type. In making this new Translation, the following Rules have been generally adhered to: To render the Original as literally as possible, consistently with the Purpose of conveying the Sense, in English: and to translate the same Word the same Way, if the Sense be the same. Former Translators of the Statutes having very much conformed to the Genius of the English Language in their Versions, and not servilely fallen into Latin or French Expressions or Forms of Speech, an Endeavour has been made to adopt Language of a Cast corresponding with those Versions.

In the Bodleian Library, Rawlinson Manuscript, No. 230, is a very antient Translation of some of the Statutes of the Time of Hen. III. and Edw. I. There is Reason to think, that this Translation is of a Time certainly not later than Edward III. and probably of an earlier Period: It does not contain any Statute later than 25 Edward I. In the British Museum, Harleian Manuscript, No. 4999, is a Translation of the Statutes 1 Edw. III. to 18 Hen. VI. made apparently in the Time of Henry VI. or Edward IV.

For the Purpose of correcting Errors in the Translation, the several Editions, as well of the Text as of the Translation, have been compared with each other; and much Use has also been made of the Two Manuscript Translations just noticed, which are cited thus, the Rawlinson Manuscript as MS. Tr. 1. and the Harleian Manuscript as MS. Tr. 2. After the Commencement of the Reign of Henry VI. the Petitions or Bills entered in English on the Parliament Roll, from whence the Statute was drawn up in French or Latin, have been consulted.

Corrections of Errors in the Translation, which arise from Misinterpretation or Omission, are suggested either from other Translations, or, where no other Translation supplies a probable Correction, by new Expressions. Errors or Inconsistencies which arise from the Insertion of Words or Sentences, not authorized by the Text as given in the present Work, are noticed, either by a Reference to Records or Manuscript Authorities, or to antient Printed Copies of the Latin or French Text as authorizing such Insertion, or by a proposed Omission of the Words so inserted, in consequence of their not being justified by any Authority. Trifling Variances between the Text and the Translation, manifestly not affecting the Sense, have not been considered worthy of Notice; particularly where all former Translations agree in the same Reading. But as it was difficult, not to say impossible, to lay down any certain Standard on this latter Head, a Consistency entirely perfect may not have been uniformly observed, and is not to be expected.

The Notes and Marks suggesting the Corrections in the Translation, are to be thus understood: First, Words which are included between Crotchets, without any Note of Reference, are such as are contained in all Translations, and are authorized by printed Copies of the Latin or French Text; though not authorized by the Text, or by any various Reading, here given, from Manuscript Records or Authorities. Secondly, Words in the Translation included between Crotchets, with a Figure, refer to a Correction thereof, suggested in the Note; such Correction, if authorized by any Printed or Manuscript Translation, is printed in the Note in Roman Letter; but if not so authorized, then such Correction is printed in Italic Letter; if the Correction be justified by the Rolls of Parliament or old Manuscript Translations, they are quoted. Thirdly, A Reference within a Parenthesis between Two Words, suggests an Omission, which is supplied in the Notes, in Roman or Italic Character, according as it is or

is

Appendix, (G.)

Historical and Explanatory Introduction.

is not authorized, as before specified. Fourthly, Where any Words in the Translation are inclosed between Crotchets, with Reference to the Note "Not in Original," it is to be understood, that neither the Text, as now given from the Record or Manuscript, nor any printed Copy, appears to authorize the Insertion of the Words. The Term "Old Translations" is applied to all published previous to the Year 1618; in which Year the Editions distinguished as Rastall's and Pulton's Statutes were both published: The Edition called Rastall's, however, having followed the Current of several former Editions of the Statutes, is included in the Term "Old" Translations; and Pulton's Translation being in many Parts new, and having been generally adopted by Cay and subsequent Editors, is therefore included in the Term "Modern."

Short Abstracts or Side Notes have been prepared, as well to the Matters heretofore translated, as to those of which a Translation is now for the first Time given in this Publication; of those relating to Matters heretofore translated, some have been taken from Cay's, or former English Editions of the Statutes; and like Abstracts are added to the Acts subsequent to the Reign of Hen. VII.

CHAP. V.

Sect. I. *Of the Collections of the Statutes of Scotland and Ireland, heretofore published by Royal or Parliamentary Authority.*—Sect. II. *Of the Methods successively adopted for promulgating the Statutes, before and since the Union of Great Britain and Ireland.*

Sect. I.

Of the Collections of the Statutes of Scotland and Ireland, heretofore published by Royal or Parliamentary Authority.

Although no General Collection of the Statutes of England, or of Great Britain, has been hitherto published by Authority of the Crown or of the Parliament, it appears that Measures were carefully taken in former Times for collecting and authenticating the Legislative Acts, both of the Scottish and Irish Parliaments.

In Scotland, by Royal Commission from Queen Mary, dated 1 May 1566, directed to The Chancellor, Principal Officers of State, and other Persons therein named, it was ordained that all the Laws of that Realm should be inspected, and corrected, so that no other but those, should be printed by Royal Privilege, or have Place, Faith, or Authority in Courts of Justice: and by the same Commission it was provided that the Proceedings under it should be ratified in the next Parliament. From the Difficulties of the Undertaking, the Compilation of the Laws prior to James I, was postponed; and the only part of the Work executed was a Collection of Acts from the Return of James I, in 1424, to the last Parliament of Queen Mary in 1564. This Collection was first published in the Year 1566. It comprehended a Publication of certain Statutes of James V, printed in 1541, and of Queen Mary printed in 1565, to each of which the Lord Clerk Register, at the Time, had subjoined his Certificate vouching for the truth of the Copies extracted from the Books of Parliament. These Certificates were retained in this Edition of 1566, and to the other Parts of it similar Certificates were subjoined.

Other Publications were afterwards made by Authority; such were those of James VI, 1568 and 1579, and several others prior in Date to 1597; but they related only to particular Parliaments or particular sorts of Acts; and with these concludes that series of Printed Scottish Acts, which from their Typographical Character have in late Times been usually denominated The Black Acts.

In 1592 A Parliamentary Commission was issued "For vistting and caussing of the Lawes and Actis of Parliament to be prented," which appears to have led in the first instance to the Republication of the Scottish Statutes from the Æra of James I, to 1597, in the Volumes which usually bear the name of Skene's Edition, Sir John Skene being at that Time Lord Clerk Register. But under the same Commission, Sir John Skene appears also to have proceeded to the more arduous task of collecting the antient Laws of Scotland prior to James I.: and in 1607 he had advanced so far in this Undertaking as to exhibit to the Legislature a Copy of the Manuscripts which he had prepared for Publication, and for his encouragement therein a Special Act was passed. The Work, usually known by the Title of Regiam Majestatem, was at length published, in the Original Latin, in 1609; and was followed soon after by a Version in the Scottish Language.

Other Commissions for "Surveying the Lawes" were issued at subsequent Periods. The Commission of 1628 after several Renewals was ratified by Parliament in 1633; and in 1681 another was issued which was again renewed in 1695. But the purpose intended was never accomplished.

Upon

Upon all these Editions from the earliest downwards, it is to be observed that they contain only a Selection from the Records of Parliament, of such Acts as were supposed by the Editors to be of greater and more permanent Utility; omitting such as were either temporary, or merely of a private and personal Nature.

THE STATUTES OF IRELAND from 10 Hen. VI. to 14 Eliz. were conducted under the Authority of Sir Henry Sidney, Lord Deputy of that Kingdom in the Reign of Queen Elizabeth; and being examined by the Justices of both the Benches, with The Chief Baron of the Exchequer and Master of the Rolls, and delivered by them to the Lord Deputy with their Hands subscribed thereto, they were afterwards, by the Advice of Lord Burleigh, then Lord High Treasurer of England, printed in the Year 1572.

At a subsequent Period, namely in 1621, another Collection of the Statutes of Ireland from 3 Edw. II. to 13 Jac. I. was abstracted from the Parliament Rolls of that Kingdom by Sir Richard Bolton, Recorder of Dublin; afterwards Chief Baron of the Exchequer, and in 1639 Lord Chancellor of Ireland; and by Direction of Sir Oliver St. John, then Lord Deputy, that Collection was perused by the Chief Judges and the Master of the Rolls, and by them allowed and thought fit to be printed, together with so many of the Statutes formerly printed, as were not by express Words repealed. And it is deserving of Observation that they thought those Statutes formerly printed and not expressly repealed, should be printed again, for Two Reasons, as therein is stated; "the one, lest peradventure "any should unadvisedly tax the Editor of Partiality, that Matters of great Moment were omitted, and Matters "of less Consequence published; and the other was, that although those Statutes might be out of Use or de-"termined at that Day, yet the same might well serve for an Historical Use, whereby might be discerned both "the State of the Church and Commonwealth in those Times."

In 1678 the Edition of 1621 was reprinted by the King's Printer, with the Addition of the subsequent Acts, to the End of the Session 17 and 18 Car. II.; and this Volume was reprinted in 1723 without any Additions.

In 1762 an Address was presented by the House of Lords in Ireland to the Lord Lieutenant, requesting that the Statutes at Large of that Kingdom should be printed and published, under the Inspection of the Lord Chancellor and the Judges. They were accordingly published in the Year 1765, in Seven Volumes Folio, comprehending the Statutes from 3 Edw. II. to 1 George III.: with an Eighth Volume containing Tables of the Titles of the Statutes in the several Volumes, and of the Private Acts from 1 Hen. VIII. to 1 George III. and an Alphabetical Index to the Statutes.

In these Volumes, which in the Title Page are stated to be "Published by Authority," the Statutes to the 17 & 18 Car. II. were reprinted from the Editions of 1621, 1678, and 1723; the Edition of 1572 not being noticed or referred to. For the Period subsequent to 17 and 18 Car. II. recourse was had to the Sessional Publications printed by the King's Printer. The whole Work was compiled from these Sources without Variation; except that in some Instances Errors of the Press were occasionally corrected by the Record; and that some Public Acts, of which the Titles only were specified in the former printed Editions, were inserted at large from the Records. Some Acts inserted in the Edition of 1572 are omitted from this Collection.

Additional Volumes, containing the Acts of subsequent Parliaments, were from Time to Time published, in consequence of occasional Addresses of the House of Lords for that Purpose: and in 1786 a Re-publication of all the former Volumes took place, with additional Volumes to 26 Geo. III. These were continued by subsequent Volumes, to the End of 40 Geo. III. A.D. 1800, when the Union took place between Great Britain and Ireland.

In 1799 a Volume was published containing the Titles of the Statutes and of the Private Acts, and Indexes, to the End of the Session 38 Geo. III. 1798.

SECT. II.

Of the Methods successively adopted for promulgating the Statutes, before and since the Union of Great Britain and Ireland.

THE PROMULGATION OF THE STATUTES, which formerly took place within the Realm of England, as well as in Scotland and Ireland, has been wholly superseded by the Practice of modern Times. Before the Introduction of Printing, the Publication of the Statutes of England was made by Means of Exemplifications thereof, sent to the Sheriffs, under the Great Seal, out of Chancery, with Writs annexed, requiring the Proclamation and Publication of the same by them, and sometimes also directing Copies to be made and distributed, and the Sheriffs to return what was done by them thereupon. The earliest Statutes were published in this Manner; as appears not only by Copies of the Writs subjoined to the Records and Manuscripts of the respective Statutes, of the Thirteenth Century, but also by Original Writs still preserved in the Tower of London.

APPENDIX, (G.)
Historical and Explanatory Introduction.

In England printed Promulgations of the Statutes, in the Form of Sessional Publications, began in the First Year of Ric. III. A. D. 1484, very recently after the Introduction of Printing; and in consequence thereof such Exemplifications and Writs as are above mentioned were soon altogether discontinued; yet the Statutes themselves, continued nevertheless to be inrolled in Chancery; and some of the earliest Sessional Publications appear by their Form to have been printed from a Statute Roll. All the Original Bills and Acts now extant in the Parliament Office, are some Years subsequent in Date to the Commencement of the Printed Sessional Publications of the Statutes; and it is evident, from some of those Printed Sessional Publications in the Time of Hen. VII. whereof the contemporary Bills and Acts are still preserved, that such Bills and Acts, though concurrent in Time were not then uniformly used as the Original Text for such Publications. The Sessional Publications are at present, and have for a long Series of Years been printed entirely from Original Acts in the Parliament Office.

In Scotland it was the exclusive Privilege and official Duty of the Lord Clerk Register to enter the Acts of Parliament in the proper Record, and to give authentic Copies of them to the Sheriffs, Magistrates of Boroughs, and such as might demand them. A Precept is extant for proclaiming and publishing the Statutes of Robert I. in the Year 1318; and there exists also a Parliamentary Ordinance made in the Reign of David II. 1366, by which the Acts of that Parliament are directed to be sent under Royal Seal to each Sheriff to be by him publickly proclaimed. The earliest printed Publication of Statutes in Scotland took place in the Year 1540-1.

IN IRELAND the Promulgation of such Statutes as were passed in England and transmitted to Ireland, was regularly made by means of a Transcript sent under Seal from England, with a Writ directed to the Chancellor of Ireland, requiring the same to be kept in the Chancery of that Kingdom, to be enrolled in the Rolls of the said Chancery, then to be exemplified under the Great Seal of Ireland, and sent unto and proclaimed in the several Courts and Counties throughout the Kingdom. Sometimes the Writ was to the Justices, in Ireland, simply requiring Proclamation.

With respect to the Statutes made in Ireland, Provisions are contained in several Acts for the special Proclamation of such Acts, so that the Penalties inflicted by them should not be incurred until after such Proclamation. It appears also that it was usual to proclaim the Statutes in general by the King's Writ, made out by the Clerk of the Parliament. Sessional Publications of the Acts did not take place in Ireland before the Reign of Charles I; and such Publications were not continued regularly and uniformly until after the Revolution.

In Great Britain the Public Inconvenience experienced from the defective Promulgation of the Statutes, led to the Adoption of new Measures in the Year 1796; by which, the Acts printed by the King's Printer, whose Authority has been long deemed sufficient to entitle his Printed Copies to be received in Evidence, in all Courts of Law, were distributed throughout the Kingdom as speedily as possible after they had received the Royal Assent: And the Experience of the good Effects of those Measures led soon afterwards to their Execution in a much greater Extent.

After THE UNION of Great Britain and Ireland, a Select Committee of the House of Commons was appointed in the first Session of the United Parliament, to consider of the most effectual Means of Promulgating the Statutes of the United Kingdom; upon whose Report Resolutions for that Purpose were adopted by the Commons, and having been agreed to by the Lords, they were presented to His Majesty by a Joint Address of both Houses; and His Majesty was thereupon pleased to give Directions accordingly.

By the Tenor of these Resolutions, His Majesty's Printer was authorized and directed to print not less than Five thousand five hundred Copies of every Public General Act, and Three hundred Copies of such Local and Personal Acts as were printed; the Public General Acts to be transmitted, as soon as possible after each Bill should receive the Royal Assent, to the Members of both Houses of Parliament, the great Officers and Departments of State, Public Libraries, Courts of Justice, Sheriffs, Municipal Magistrates, and Resident acting Justices of the Peace, throughout Great Britain and Ireland; according to a prescribed Mode of Distribution; with a Direction that every Chief Magistrate and Head Officer of every City, Borough, or Town Corporate in England and Ireland, and of every Royal Burgh in Scotland, and every Sheriff, Clerk of the Peace, and Town Clerk in the United Kingdom, receiving such Copies, should preserve them for the Public Use, and transmit them to his Successor in Office: And this Mode of authenticating and Promulgating the Statutes is now carried into Execution, throughout every Part of the United Kingdom.

Appendix (H.)

Series of Reports from Committees of the House of Commons, upon Public Matters,

ARRANGED ACCORDING TO THEIR SUBJECTS AND DATES:

1715—1802.

VOL. I. — PEACE AND COMMERCE;—DUNKIRK;—ASSIENTO CONTRACT;—THE CATALANS; THE PRETENDER;—LAYER'S CONSPIRACY;—FORFEITED ESTATES;—CHARITABLE CORPORATION;—COTTONIAN LIBRARY AND PUBLIC RECORDS;—WATER-WORKS;—CUSTOMS AND REVENUE;—HIGHWAY TRUSTS.

		Presented by
1715. - - June 9.	Negotiations of Peace and Commerce; Demolition of Dunkirk; Assiento Contract; The Catalans; and Transactions relating to The Pretender	Right Hon. Robert Walpole.
1722-3. - - March 1.	Layer's Conspiracy - - - -	Rt. Hon. William Pulteney.
1731-2. - March 22.	Forfeited Estates of the Earl of Derwentwater - -	Lord Gage.
1732. - - April 18. 1733. - - April 17.	The Charitable Corporation;—Transactions of—Two Reports -	Samuel Sandys Esq.
1732. - - May 9.	Cottonian Library (after Fire at Ashburnham House) and Public Records	Thomas Winnington Esq.
1733. - May 9.	York Buildings Waterworks Company - - - -	John Plumptre Esq.
1735. April 15. May 2.	Do. Two further Reports - - - -	Robert Vyner Esq.
1733. - - June 7.	Customs;—Frauds and Abuses to the Prejudice of Trade and Diminution of the Revenue.—(*See Vol.* XI.) - -	Sir John Cope Bart.

VOL. II. — COUNTY RATES;—LINEN MANUFACTORIES;—LAND FORCES;—HUDSON'S BAY; CHURCH OF SCOTLAND;—HAT MANUFACTORY;—SHEEP AND JOBBERS; —HARBOURS;—MILFORD HAVEN;—WEIGHTS AND MEASURES.

		Presented by
1738. - - March 16.	County Rates;—levying and Application of, in Middlesex - -	Robert Hucks Esq.
1744. - - March 11.	Linens, Threads, and Tapes;—Improvement in the Manufacture of -	Lord Limerick.
1751. - - April 26.	Linen Manufactories;—at different Towns in this Kingdom and in Ireland; Import of the Raw Material, &c.—(*See Vol.* III. *& Vol.* X. -	Lord Strange.
1746. - - June 6.	Land Forces and Marines;—Application of the Money granted for -	Hugh Campbell Esq.
1749. - - April 24.	Hudson's Bay Company;—Charter granted by Charles II.—Company's Claim to a Right of Lands, to an exclusive Trade, &c. -	Lord Strange.
1751. - - May 24.	Ministers of the Church of SCOTLAND;—Laws relating thereto -	Colonel Haldane.
1752. - February 11.	Hat Manufactory;—Perfection of the Art in this Country; French Hats, why in greater Credit than our own; Diminution of Export Trade, &c. - - - -	Alexander Hume Esq.
1755. - February 18.	Sheep;—Petition from the County of Lincoln, on the Evasion of Act Edward VI. for restraining the buying and selling of Sheep by Jobbers, &c. - - - - -	Robert Vyner Esq.
1757. - February 25.	Rye and Dover Harbours;—Improvement of, by Works already carried on there; Estimate for completing the New Harbour, &c. -	George Onslow Esq.
1758. - - March 21.	Milford Haven;—fortifying and securing the Entrance - -	Charles Townshend Esq.
1758. - - May 26. 1759. - - April 11.	Weights and Measures;—Standards of; Statutes relating to; Experiments; Necessity of Uniformity; Coin of the Realm, &c. -	Lord Carysfort.
1765. - - May 16.	Highway or Turnpike Trusts;—Money or Application of Money collected under the Kensington, the Somerset Road, the Mary-le-bone, and other Trusts—*See Vol.* X. - - -	Charles Whitworth Esq.

Appendix, (H.)

Reports of Committees of the House of Commons.

VOL. III.	OBSTRUCTIONS TO THE SPEAKER'S WARRANT;—NAVY TIMBER;—BREAD ASSIZE; ASSAY OFFICES;—LINEN TRADE, HOME AND FOREIGN—EAST INDIA AFFAIRS; CHARTERS OF THE COMPANY, INVESTMENTS, REVOLUTION 1760, &c. LORD CLIVE, &c. COUNTRY TRADE, &c. BENGAL TRANSACTIONS.	Presented by
1771. - - April 30.	Orders of the House;—Obstructions to, and Contempt of The Speaker's Warrant, on Apprehension of Miller, Bookseller in London, &c. -	Welbore Ellis Esq.
1771. - - May 6.	His Majesty's Navy;—State of Timber for; Scarcity; how occasioned; and Means by which a better Supply may be obtained - -	Rt. Hon. W. Dowdeswell.
1772. - December 21.	Bread, Assize of;—Laws and Customs relating thereto. *See Vol.* IX. -	Thomas Pownall Esq.
1773. - - April 29.	Assay Offices;—Irregularities and Inconveniences in the Operations of, in London, Chester, Exeter, and Newcastle-upon-Tyne, &c. - -	Thomas Gilbert Esq.
1773 - - May 25.	Linen Trade, in Great Britain and Ireland;—Diminution in the Manufacture of in Scotland; Improvement thereof in Germany; Emigration of Weavers to America, &c. —*See Vol.* II. *and Vol.* X. -	Lord Frederick Campbell.
	EAST INDIA COMPANY'S AFFAIRS.	
1722. - - May 26.	First Report from Committee on the Nature, State, and Condition of;—Two Periods, (1.) The Charters of the Company, Acts of Parliament, Commissioners Transactions in 1756, &c.—(2.) Company's Investment, Revolution in favour of Meer Jaffier, 1760, &c. -	Colonel Burgoyne.
1772. - - May 26.	Second Report;—Petition of Gregore Cojamal against Company's Servants; Lord Clive, Mr. Verelst, Sir Thomas Rumbold, General Smith, Armenian Merchants, Country Trade, &c. - -	Colonel Burgoyne.
1773. - - April 8.	Third Report;—Transactions in Bengal, from 1757 to 1765; Causes of the War between the Company and Cossim Ally Cawn, &c. -	General Burgoyne.
1773. - - April 21.	Fourth Report;—Trade in Salt, Bettle Nut, and Tobacco; Opinion of Mr. Verelst, Mr. Sumner, and Mr. Sykes; Free Merchants, &c. -	General Burgoyne.
1773. - - June 18.	Fifth Report;—Receipt of 5 Lacs of Rupees by Lord Clive; Examination of Francis Sykes Esq. and General Carnac, &c. - -	General Burgoyne.

VOL. IV.	EAST INDIA COMPANY'S CIVIL AFFAIRS;—TRADE, REVENUES, GOVERNMENT.	Presented by
1772. - December 7. 1773. - - June 30.	Nine Reports from the Committee of Secrecy, on the State of the East India Company's Affairs; commencing with a View thereof at the Date of the Commission in 1769, and taking a Retrospect of their Civil Affairs, in Trade, in Revenues, and in Government, from 1757 to June 1773	Mr. Alderman Harley.

VOL. V. & VI.	EAST INDIA COMPANY;——ADMINISTRATION OF JUSTICE IN INDIA, GRANTS TO THE COMPANY, MADRAS, WAR IN INDIA.	Presented by
1781. - - May 8. 1782. - February 5. 1782. June 6. 12. 18. 1782. - - July 11. 1783. - - April 23. June 13. 25.—July 10. Nov. 18. & 20.	Eleven Reports;—on the Petitions of certain Agents for the British Subjects resident in India; and of Warren Hastings, Phillip Francis, and Edward Wheler, Esquires; and of the East India Company, relative to the Administration of Justice in India;—commencing in 1774, and taking a View and carrying on a History of Transactions, to 1781 -	Richard Smith Esq.
1782. - - March 27. 1783. - - March 12.	Two Reports;—on Sums due to the Public; on Grants to the Company of Bengal, Bahar, and Orissa;—Capture of Madras and Fort William, and Restoration of the same;—War in India, &c. - -	Sir Henry Fletcher Bart.

VOL. VII. VIII.	EAST INDIA COMPANY;——WAR IN THE CARNATIC, SECOND MARATTA WAR, CHEYT SING, HYDER ALLY.	Presented by
1781. - - June 27. 1781. - - July 5. 1782. February 4. 6. 1782. - March 1. 6. 1782. - - May 27.	Six Reports from the Committee of Secrecy, upon the Causes of the War in the Carnatic;—commencing with the Appointment of Sir Hector Munro to the Command of the Army, and including Transactions, from 1765 to 1781; together with certain Papers concerning the Rajah Cheyt Sing, and the Success of the Company's Arms against Hyder Ally, inserted at the Close of the VIIIth Volume -	Lord Advocate of Scotland, (Henry Dundas Esq.)

VOL. IX.

CORN, GRAIN, BREAD ASSIZE, PROVISIONS;—CORN TRADE;—WASTE LANDS; POOR; CHARITABLE DONATIONS.

		Presented by
1774. - - June 14.	Flour from Wheat;—Methods practised in the making of - -	Thomas Pownall Esq.
1783. - - April 16.	Corn and Grain;—Importation and Exportation of, 21 Geo. III. -	Lord Mayor of London (Rt. Hon. Nath. Newnham.)
1783. - - May 28.	Another Report, from the same Committee - - - -	George Dempster Esq.
1795. - November 16. to 1796. - March 18.	Corn;—Five Reports from the Select Committee, on the high Price of -	Right Hon. Dudley Ryder.
1800. Feb. 10. Mar. 6.	Bread and Grain;—respecting the Assize of Bread; (*See Vol.* III.; and the Means of remedying the Deficiency of the Crop of 1799 - -	Lord Hawkesbury.
1800. Nov. 24. to Dec. 31.	Provisions;—Six Reports on the high Price of - - -	Right Hon. Dudley Ryder.
1801. - February 12.	Provision;—First Report on the high Price of - - - -	Henry Bankes Esq.
1801. - February 23.	Do. - ;—Second Report - - - - - -	
1801. - February 24.	Do. - ;—Third Report - - - - - -	Right Hon. Dudley Ryder.
1801. - March 20.	Do. - ;—Fourth Report - - - - - -	Henry Bankes Esq.
1801. - - April 2.	Do. - ;—Fifth Report - - - - - -	Isaac Hawkins Browne Esq.
1801. - - May 22.	Do. - ;—Sixth Report - - - - - -	Mr. Secretary at War, (Right Hon. Charles Yorke.)
1801. - - June 24.	Do. - ;—Seventh Report - - - - - -	
1802. - March 26.	Corn Trade between Great Britain and Ireland - - -	Lord Glenbervie.
1795. - December 23. 1797. - - April 27. 1800. - - April 17.	Waste Lands;—on the Inclosure and Improvement of - -	Sir John Sinclair.
1775. April 11. May 11.	Two Reports on the same Subject - - - - -	Sir Cecil Wray Bart. Thomas Gilbert Esq.
1776. Feb. 21. May 21. 1777. - - May 15.	Three Reports;—on Orders of last Session (1775.)—Abstract of Returns from Overseers; Resolution of Committee, &c. - -	Sir Cecil Wray Bart. Thomas Gilbert Esq.
1778. - - May 1.	Parish Poor Children;—State of, in London and Middlesex - -	Owen Salusbury Brereton Esq.
1787. - - May 23. 1788. - - June 10.	Poor, and Charitable Donations - - - - -	Thomas Gilbert Esq.

VOL. X.

FISHERIES;—NEWFOUNDLAND TRADE;—SALT DUTIES;—LINEN AND HEMPEN MANUFACTURE;—FLAX SEED;—COAL TRADE;—COPPER TRADE;—LIFE BOAT; SIERRA LEONE;—TURNPIKE AND HIGHWAY ACTS;—NAVAL VOLUNTEERS;—PRISONERS AT WINCHESTER;—SEDITIOUS SOCIETIES, AND TREASONABLE CONSPIRACIES.

		Presented by
1785. - - April 26. 1786. - - May 5.	Pilchard Fisheries - - - - -	Sir William Lemon Bart.
1785. - - May 11. 1785. June 27. July 14.	British Fisheries - - - - - -	Henry Beaufoy Esq.
1786. - February 22. to June 8.	Four Reports, on the same Subject - - - -	Henry Beaufoy Esq.
1798. April 5. June 27.	British Herring Fisheries;—Three Reports - - -	Right Hon. Dudley Ryder.
1798. - December 22. 1799. - - March 19. 1800. May 12. June 30.	Four Reports on the same Subject - - - -	Nicholas Vansittart Esq.
1793. - - March 26. 1793. April 24. June 17.	Newfoundland Trade;—Two Reports - - -	Right Hon. Dudley Ryder. Mich. Angelo Taylor Esq.
1801. June 18. June 30.	Salt Duties;—Two Reports - - - - -	Nicholas Vansittart Esq.
1802. - - May 10.	Linen and Hempen Manufacture of Ireland, and Flax Seed; (*See Vol.* II. III.)	Rt. Hon. Charles Bragge.
1800. June 23. Dec. 3.	Coal Trade;—Two Reports - - - - -	William Manning Esq.
1799. - - May 7.	Copper Mines, and Copper Trade - - - -	Lord Hawkesbury.
1802. - - March 31.	Life-Boat; (Mr. Greathead's);—a new Invention - - -	Rowland Burdon Esq.
1802. - - May 5.	Sierra Leone;—on the State of that Colony - - - - -	Lord Viscount Castlereagh.
1796. April 27. May 3. 1798. April 24. 26.	Turnpike Roads;—Four Reports; (*See Vol.* II.) - - -	Mr. Alderman Lushington.
1800. - - March 21.	Public Highways and Turnpike Roads;—Acts 13 and 14 Geo. III. -	Rowland Burdon Esq.
1780. - - June 28.	Naval Volunteers;—Encouragement to be given to - - -	Sir Herbert Mackworth Bart.
1780. - - July 5.	Prisoners of War in the King's House at Winchester;—their Health, &c.	Charles Brett Esq.
1799. - - March 15.	Ireland;—Treasonable Conspiracy - - - - -	Mr. Secretary Dundas.
1801. April 13. May 15.	United Kingdom;—Two Reports, on Seditious Societies, &c. - -	Rt. Hon. Thomas Pelham.

Appendix, (H.)

Reports of Committees of the House of Commons.

VOL. XI. — ANNUITIES;—PUBLIC INCOME;—BANK;—CIVIL LIST;—SMUGGLING; EXPORTATION OF SHEEP, WOOL, &c.—DISTILLERIES IN SCOTLAND.

		Presented by
1782. July 5.	Annuities;—Amount of Sums raised, between Jan. 1776 and April 1782	Thomas Pitt Esq.
1786. March 21.	Public Income and Expenditure;—on the different Branches thereof	Rt. Hon. W.W. Grenville.
1791. May 10.	The same Subject	Right Hon. Dudley Ryder.
1797. March 3. 7.	Bank of England; Restriction on Payments in Cash;—Two Reports	Tho. Berney Bramston Esq.
1797. April 21. Nov. 17.	Two Reports on the same Subject	Charles Bragge Esq.
1802. March 15.	Civil List;—on Accounts relating thereto	Rt. Hon. Charles Bragge.
1783. December 24. 1784. March 1. 23.	The Revenue (Smuggling);—on illicit Practices used in defrauding;—Three Reports—(*See Vol.* I.)	Rt. Hon. William Eden.
1786. June 12. 1788. March 5.	Illicit Exportation of Wool, Live Sheep, Worsted and Yarn, and of Live Sheep and Lambs, Wool, Wool Fells, &c.	Edward Phelips Esq.
1798. June 11. 1799. July 12.	Distilleries in Scotland;—on the Laws relating thereto	Rt. Hon. Sylvester Douglas.

VOL. XII. XIII. — FINANCE.

		Presented by
1797. Mar. 31. July 17.	Debt and Taxes; 1. to 3. Collection of the Public Revenue; 4. to 13. Expenditure of the Public Revenue, and auditing Public Accounts; 14. to 22.	Charles Abbot Esq.
1798. June 26.	Revenue, Debt, and Expenditure, for 1797; 23. 24. Expenditure: Civil Establishment; 25. to 30. Expenditure: Military Establishment; 31. to 36.	Charles Abbot Esq.
1798. 1803.	Proceedings and Measures of Government on these Reports; and General Index to the Whole.	

VOL. XIV. — ROYAL BURGHS OF SCOTLAND;—TEMPORARY AND EXPIRED AND EXPIRING LAWS; PROMULGATION OF STATUTES;—PERSONS IN HOLY ORDERS;—HIGH PRICE OF PAPER;—VACCINATION;—FLAX SEED;—SIERRA LEONE;—NITROUS FUMIGATION;—THAMES AND ISIS;—PORT OF LONDON, AND LONDON BRIDGE.

		Presented by
1793. June 17.	Scotland, Royal Burghs of;—on Petitions and Papers	Rich. Br. Sheridan Esq.
1796. May 13.	Temporary Laws	Charles Abbot Esq.
1802. March 31.	Expired and Expiring Laws of the United Kingdom	Henry Alexander Esq.
1796. December 5. 1801. April 28.	Statutes, Promulgation of;—Two Reports	Charles Abbot Esq.
1801. April 2. 14.	Holy Orders;—Eligibility of Persons in, to sit in the House:—Two Reports	Charles Bragge Esq.
1801. March 22.	Paper;—Petitions from Booksellers and Printers, on the high Price of	Sir William Young Bart.
1801. May 6.	Vaccine Inoculation;—Petition of Dr. Jenner	Henry Bankes Esq.
1801. May 10.	Flax Seed imported into Ireland;—on Acts relating thereto	Rt. Hon. Charles Bragge.
1801. May 25.	Sierra Leone Company;—Petition of Court of Court of Directors	Lord Viscount Castlereagh.
1801. June 10.	Nitrous Fumigation;—Petition of Dr. Smyth	Henry Bankes Esq.
1793. May 17.	Thames and Isis Rivers;—Navigation and Trade on	Ed. Loveden Loveden Esq.
1796. May 13.	London, Port of;—Accommodation for Trade and Shipping	Sir William Young Bart.
1799. June 1. 1799. July 11.	London, Improvement of the Port of;—Two Reports	Lord Hawkesbury. Charles Abbot Esq.
1800. July 28. 1801. June 3.	London, Port of; London Bridge; further Measures for the Improvement of	Nicholas Vansittart Esq.

VOL. XV. — PUBLIC RECORDS OF THE KINGDOM.

		Presented by
1800. July 4. 8.	Public Records;—on the Nature, State, better Arrangement, and Preservation of:—Two Reports	Charles Abbot Esq.

Appendix (I.)

PLAN for the REVISION of RYMER'S FŒDERA,

AND FOR THE FORMATION OF

A SUPPLEMENT and CONTINUATION

THERETO.

AT a BOARD of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Friday 25th March 1808.

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.
The Right Honourable Lord FREDERICK CAMPBELL.
The Right Honourable JOHN Lord REDESDALE.
The Right Honourable SYLVESTER Lord GLENBERVIE.
The Right Reverend JOHN Lord Bishop of BANGOR.
The Right Honourable Sir WILLIAM GRANT, Master of the Rolls.
The Right Honourable ARCHIBALD COLQUHOUN, Lord Advocate of Scotland.
The Right Honourable CHARLES BATHURST.

The Secretary stated, that Adam Clarke LL.D. having been recommended on account of his extensive Learning and indefatigable Industry, as a fit Person to revise and form a Supplement and Continuation to Rymer's Fœdera, had prepared An Essay or Report on the best Mode of executing such an Undertaking;—which Report the Secretary delivered in, and the same was now read.

First Report upon the Formation of a Supplement and Continuation to Rymer's Fœdera.

Having been desired by The Right Honourable The Commissioners on the Public Records of the Kingdom, to prepare an Essay or Report on the best Mode of forming a SUPPLEMENT and CONTINUATION to Rymer's Fœdera, I think it necessary, for the Purpose of executing this Duty in the most satisfactory Manner,

I. To give a short History of the Origin and Progress of the Fœdera.
II. To examine the comparative Merits of the different Editions, through which it has already passed.
III. To consider the Materials of which it is composed; and how far they accord with the original Design.
IV. To take into View the projected Supplement and Continuation.
V. To consider the Nature of the proper Materials, and the Repositories in which they may be found.
VI. To suggest the best Mode of selecting, arranging, and editing these Materials.

I.—*History of the Fœdera.*

The full Title of this Work is, "Fœdera, Conventiones, Literæ, & cujuscunque generis Acta Publica, inter "Reges Angliæ, & alios quosvis Imperatores, Reges, Pontifices, Principes, vel Communitates, ab ineunte Sæculo duo-decimo;

Appendix, (I.)

Plan for Supplement and Continuation.

" duo-decimo; viz. ab anno 1101 ad nostra usque Tempora habita, aut tractata. Ex Autographis, infra secretiores " Archivorum Regiorum Thesaurarias per multa sæcula reconditis, fideliter excripta." Accurante Thoma Rymer, &c.

Of this great National Work the first Fourteen Volumes were published in Mr. Rymer's Life-time; the Fifteenth and Sixteenth were prepared for the Press, and published after his Death by Mr. Sanderson, his Assistant, afterwards Keeper of the Rolls; by whom also were added a Seventeenth Volume, with an extensive Apparatus of Indexes; and afterwards Three succeeding Volumes, making in the whole 20 Volumes Folio.

From any Thing we can learn from Mr. Rymer to the contrary, the whole of these Sixteen Volumes were collected and arranged by himself; he does not acknowledge to have seen any previous Plan, or to have had any Digests, Tables, Calendars, &c. to facilitate his Researches; nor does he give the slightest Intimation, even in his Dedication to Queen Anne, under whose Auspices the Work was undertaken; nor how he came to be employed in it, though he is, in that Dedication, circumstantial enough on Subjects in which the Historian and Antiquary are less interested. His Silence on these Heads has induced many to believe, that he alone levelled the Mountains, and filled up the Vallies, in this difficult and arduous March; having explored a Path, which even the Eagle's Eye had not before seen.

To detract from the Merit of Mr. Rymer's Labours, Industry, and Accuracy, is exceedingly remote from my Mind. He has deserved well of his Country in particular, and of Europe in general. His Work is a proud Monument to the Glory of the British Nation, and to the enlarged Views and Munificence of those Sovereigns under whose Auspices it was projected, conducted, and published.

Leaving, therefore, Mr. Rymer in quiet Possession of his well-earned Literary Reputation, it may be necessary to enquire what Helps he had at hand for the Compilation of this great Work; at whose Suggestion it was undertaken, and how, from almost imperceptible Beginnings, it had a slow, but steady Growth for 137 Years, previously to the Publication of the First Volume.

I need not consider the various Attempts made in remote Reigns to methodize and arrange the invaluable Materials, which came at last under the Hands of Mr. Rymer, as any Thing peculiarly helpful to his Undertaking; because the Attempts were, in general, either partial or abortive; or the Tables, Calendars, and Indexes thus made, either perished or became Private Property, and were thus, in general, lost long before his Time. Sir Joseph Ayloffe, it is well known, has published an excellent Work on this Subject, entitled, " Calendars of the Ancient " Charters," &c. to which is prefixed, " An Introduction," (the Substance of which was furnished by Mr. Astle) " giving some Account of the State of the Public Records, from the Conquest to the present Time." From this well-written Piece, we may collect an Account of the Materials out of which the Fœdera grew, and may discern even the Form, Arrangement, and Title which the Work has assumed.

The Author of this Introduction informs us, that in 1567, Queen Elizabeth, taking into Consideration the confused and perilous State in which the Records of Parliament then lay, issued a Warrant, directed to Sir William Cordell, Master of the Rolls, " to deliver into the Hands of Mr. William Bowyer, the Keeper of the Records " within the Tower of London, all the Parliament, Patent, Treasurers, Close and Fine Rolls, Bundles of Escheators, Inquisitions, Attainders, and Surrenders, and all other Rolls and Records whatsoever of her Chancery, for " the several Reigns of Richard III., Henry VII., Henry VIII., and Edward VI." And we are further informed, that " Mr. Bowyer was the first who reduced the Tower Records into good Order, and then digested and made Repertories of them." This Compilation was contained in Six large Volumes Folio; and in forming it, the Author spent " Eight Years, and above £1,000 of his own Money." Introd. p. xxviii. It is true, the Fruits of this laborious Man's Industry are not now to be found, but when or how lost, I cannot learn.

Having done so much for the Records of the Parliament and Chancery, the Queen extended her Care to the other Courts; for she directed Mr. Agard " to sort and digest, not only all the Records in the Four Treasuries " of the Exchequer, but also all the original Leagues and Treaties of Peace, Truce, Alliance, and Marriage, " between England and Foreign Nations, and to make Calendars of them." Introd. p. xxix. This Work the industrious Author completed in the succeeding Reign; and it may be observed, that the Queen's Direction to Mr. Agard contains the very Articles that constitute the Title which Mr. Rymer has given to his Collection.

The Papers of Mr. Agard falling into the Hands of Mr. Powel, he published them, first in 1622, and afterwards with considerable Additions in 1631, in a small Quarto, under the following Title: " The Repertorie of Records " remaining in the Four Treasuries, on the Receipt Side at Westminster; the Two Remembrancers of the Exche-

" quer,

" quer, with a brief introductory Index of the Records of the Chancery and Tower; as also a perfect Calendar of " all the Records remaining in the Office of Records at the Tower of London, in the Years of King John, " Henry III., Edward I., Edward II., Edward III., Richard II., Henry IV., Henry V., and Edward IV." Though this is a very brief Work, it contains a vast Fund of Information, and bears every Mark of good Judgment and unimpeachable Accuracy. To it Mr. Rymer must have been considerably indebted; other Helps of a similar Kind he might have had, with which I am unacquainted; and even Hints in such an Undertaking are of considerable Use, for the smallest Principle, in the Hands of an Antiquary or Bibliographer, often produces the most important Results.

In 1661 the Care of the Tower Records was confided to Mr. W. Prynne. This laborious Man is said " to have " brought to light great Numbers of ancient and valuable Parliamentary and other Records, which he sorted, " marshalled, and arranged in such Method, that by the Assistance of the Tables and Calendars which he made, " any Person might have easy Access to any of these Records." Ayloffe's Introd. p. xxxvi.

" The exact Abridgment of the Records in the Tower of London, from the Reign of K. Edward II. to that " of K. Richard III." which he published from the Papers of *Sir* Robert Cotton, Fol. Lond. 1657, was a very valuable Work in its Time: but, as it relates almost solely to the Parliamentary Records, it could be but of little Use in the Plan of the *Fœdera*, though other Collections of the same laborious Antiquary have, doubtless, contributed their Quota of Help.

But what led directly to the Object of the Undertaking, specified its Materials, and defined its Limits, was the following. Sir Joseph Ayloffe observes, that " soon after K. William and Q. Mary's Accession, Mr. Harley, " afterwards Earl of Oxford, formed a Plan for printing at the Public Expence all the Leagues, Treaties, Alliances, " Capitulations, and Confederacies, which had at any Time been made between the Crown of England and other " Kingdoms, Princes, and States; intermixed with such Instruments and Papers of State, as either more imme- " diately related to them, or were curious and useful in illustrating the English History." He communicated this Design to the Earl of Halifax, who not only approved of the Plan, but got Mr. Rymer, then Historiographer Royal, appointed to carry it into Execution. All this Information we might have naturally expected from Mr. Rymer himself.

That Mr. Rymer might have every Facility towards the Accomplishment of so great and useful a Work, he received Q. Mary's Warrant, dated August 20, 1693, empowering him " to transcribe and publish all the Leagues, " Treaties, Alliances, Capitulations, and Confederacies, which have at any Time been made between the Crown of " England and any other Kingdoms, Princes, and States, as a Work highly conducing to our Service, and the " Honour of this our Realm." And the same Warrant gave him Liberty of Access to all the different Repositories of the Public Records. To this was added an Order of the King in Council, dated April 12, 1694, to the Lord Keeper of the Great Seal, commanding him " to cause a Writ to be sealed, and directed to the Right " Honourable the Lords Commissioners of His Majesty's Treasury, and the Chamberlains of the Exchequer, " authorizing and requiring them to deliver, or cause to be delivered, to Mr. Thomas Rymer, all Leagues, " Treaties, &c. remaining in the several Treasuries of the Exchequer, which he shall have Occasion for, and " desire."

Thus encouraged and assisted, Mr. Rymer commenced his Work, and published the First Vol. in 1704, Eleven Years after the Date of the First Warrant. It seems, that at an early Period of the Undertaking, he had employed Mr. Robert Sanderson as an Assistant; as we find him included with Mr. Rymer in a Third Warrant, issued by Queen Anne, dated May 3d, 1707, giving them conjointly the same Authority to search, transcribe, and publish, as by the preceding Instruments was given to Mr. Rymer alone. These Warrants are all printed in the First Vol. of the 8vo. Edit. of the *Acta Regia*, Lond. 1731, pp. xi.—xiii.

We have already seen that 14 Vols. of this Work were published during the Life-time of Mr. Rymer, who died the same Year in which the 14th was published, viz. in 1713. The 15th and 16th he left prepared for the Press, which, with the 17th, were published in the Course of the Four following Years, by Mr. Sanderson his Assistant, who afterwards added Three additional Volumes. Thus was completed, what may be properly termed the First Edition of the *Fœdera*, begun in 1704, and completed in 1717.

This Edition soon becoming very scarce (for it is reported only 200 Copies were printed), Mr. Tonson obtained the " Royal Privilege and Licence of K. George I. for the sole printing and publishing a new Edition of the *Fœdera*, " for the Term of 14 Years." In this Work he engaged Mr. George Holmes, Keeper of the Tower Records, as Editor, who calls it the Second Edition, *ad originales Chartas in Turri Londinensi denuo summâ fide collata et emendata*. Lond. 1727-35. Mr. Holmes seems to have conducted the Re-impression of only 12 Vols.: the Re-impression of the other Eight is attributed to Mr. Sanderson.

A new Edition was undertaken at the Hague in 1738 or 39, which was completed in 10 Vols. Folio, printed with considerable Elegance on a much smaller Letter than either of the preceding Editions. In this Edition the

Appendix, (I.)

Plan for Supplement and Continuation.

Fœdera, properly speaking, is included in the first Nine Volumes; the Tenth is occupied with a very copious General Index, and with the Analysis of the whole Work, published in French by Mr. Rapin, entitled, "*Abregé* "*historique des Actes publics d'Angleterre recueillis par Thomas Rymer*;" and known in England by the Title of *Acta Regia*. This Analysis was begun by Mr. Le Clerc as a Critique or Review, in the *Acta Eruditorum*; continued by Mr. Rapin to the Conclusion of the 17th Vol. and brought down by an unknown Hand, to the Conclusion of Mr. Sanderson's supplementary Vols. It is scarcely necessary to observe, that the *Fœdera* commences with a Convention between Henry I. King of England and Robert Earl of Flanders, made at Dover, on the 16th of the Calends of June A. D. 1101, in the First Year of Henry's Reign: and that the laft Instrument, with a Date, is a Letter from Paris, of March 22, 1654, the Sixth Year of the Reign of King Charles II. After this Letter, there are two others without Dates, but their Contents ſhew that they were written some Time in the Course of the same Year.

The whole Compilation, therefore, includes the Period of 553 Years. But it should be remarked, that in the Reigns of Henry I., Stephen, Henry II., and Richard I., there are not less than Sixty-seven Years, for which no Kind of Instrument is found in the *Fœdera*. In the Reign of Henry I. 34 Years; in the Reign of Stephen 12 Years; in the Reign of Henry II. 20; and one in the Reign of Richard I. From the Commencement of the Reign of John, no Year is found blank.

Thus we have seen by what slow Steps this important national Work was brought into being, and raised to its present State of Perfection. A Variety of pre-disposing Acts for the Preservation and Arrangement of the Public Records, prepared its Way, by furnishing the Materials. At last, Mr. Harley's Love of Literature and Zeal for the Honour of his Country, suggested the Plan, according to which the important Undertaking was conducted; and the Munificence of Three British Sovereigns, directing and encouraging the Industry of Messrs. Rymer and Sanderson, brought it before the Public.

After Mr. Rymer's Death an Attempt was made to examine the Public Repositories of the Records, to ascertain their Contents, and the State of Preservation in which they were found. The Account of this Measure is as follows:

On Dec. 9, 1718, an Order was issued by the House of Lords, appointing Committees "to view the Records of "the Court of Chancery in the Tower, and those fit to be carried thither; and to consider what Place there is "proper to receive them: and likewise to view all such other Public Records as they shall think fit; and in what "Manner and Place the same are now kept." This Order was carried into Execution, and very important Proceedings took place in consequence, and a Report from these Committees was laid before the House of Lords April 16, 1719, which with a humble Address were laid before His Majesty Ap. 17.—His Majesty was graciously pleased on the 18th of the same Month, to order that the Measures therein recommended should be carried into Execution. By an Order of the Lords, the whole Proceedings relative to this Business were printed in an 8vo. Form for the Use of their Lordships. The Copy from which I quote, bears Date London 1723.

Whether all the Measures recommended in the above Work were carried into Execution, I cannot tell; but if they were, they must have contributed much to the Preservation of the Public Records of the Kingdom.

In the Report made to the Lords on this Occasion, a general View is given of the following Offices, their Contents, and the State of the Materials found in them: 1. The Tower; 2. The Rolls' Chapel; 3. The Pipe Office; 4. The King's Remembrancer's Office; 5. The Treasurer's Remembrancer's Office; and 6. The Augmentation Office.

II.—*View of the Comparative Merits of the different Editions through which the Fœdera has paſſed.*

We have already seen that the *Fœdera* has passed through Three Editions; the First by Mr. Rymer, assisted by Mr. Sanderson; the Second by Messrs. Holmes and Sanderson; and the Third by the Hague Booksellers, with the Editor of which, I am unacquainted. On the comparative Merits of these Three Editions, it may not be improper to say a few Words.

Of the First Edition there is no Occasion to say any Thing in this Place, as that has been particularly described under the preceding Head.

Though the Second Edition professes to be *summâ fide collata & emendata*; yet it will be found, on a careful Examination, to possess few Excellencies beyond the former, except as far as the Originals of the Contents of the First Vols. are found in the Tower; those Mr. Holmes has collated with those Originals, and corrected many Errata; but there has not been a single Instrument added, nor even the few Omissa in the First Edition inserted in their proper Places. The Third alone is that, which will fairly bear a Comparison, because possessing several Peculiarities. Of the Editor we know nothing. The Work appears to have been undertaken by the Dutch Booksellers merely for their own private Advantage; but it is pretty evident that the Person whom they procured to superintend the Work, was both judicious and learned. In the Title Pages of all the Vols. it uniformly professes to be formed after the Second London Edition; but adds, *Editio tertia, prioribus longè amplior & emendatior. Hagæ Comitis apud Joanem*

Joannem Neaulme. The Second Vol. bears the Date 1739; the First and Tenth, that of 1745. It is likely that this Edition was begun in 1738. In this Re-impression, the following are the Peculiarities referred to above:

Appendix, (I.)

I. All the English Papers are translated into French; but the Original is preserved in a parallel Column.

Plan for Supplement and Continuation.

II. At the Conclusion of the *Fœdera*, which terminates in the Ninth Volume, are found *Epistolæ Mariæ, Reginæ Angliæ, ad extraneos Principes et Republicas, ab Anno* 1554 *ad Annum* 1558, *Desumptæ ex Manuscripto Originali in Bibliothecâ Ducis Kentiæ.* These Letters, probably written by Roger Askham, who was Latin Secretary to the Queen, are 107 in Number; and though not of very great Importance, yet some of them tend to throw a little light over the Political and Ecclesiastical History of that most afflictive Period, in which both the Church and State were brought to the Verge of Ruin. These, certainly, should not be neglected, either in a new Edition of the *Fœdera*, or Supplement to that Work.

III. A Tract, entitled, *De l'Estat et Gouvernment du Royaume d'Angleterre, avec nouvelle Addition des principales Cour du dit Royaume, et des Officiers d'icelles Cours. Faict à la Main le* 28 *Mars de l'an de Salut* 1565, *pendant le Regne de la Serenissime et Excellentissime Princesse, la Reine Elizabeth, par un Gentilhomme, Ambassadeur en France pour Sa Majesté, apres le Roi Charles IX. de ce nom.* This Manuscript is said to have been "given by the late Prince of Condé to the Count de Bethune." However useful the Information given in this Tract might have been to the French, the Dutch, or even the English, it is utterly out of its Place in such a Collection as the *Fœdera*; unless it could be considered as a State Paper, written by Royal Authority. This Subject, however, deserves to be more carefully examined *.

IV. The Tenth Volume is composed of *Abregé Historique des Actes Publics d'Angleterre, recueillis par Thomas Rymer.* This is the French Original of what is called the *Acta Regia*, begun by Mr. Le Clerc, as we have already seen, and continued by Mr. Rapin, which it appears the Earl of Halifax encouraged him to perform; and for this Purpose had the different Volumes of the *Fœdera* sent to him in the Course of their Publication. It takes in more than the English Edition translated by Mr. Whately, as it gives an Analysis of the 20th Volume of the *Fœdera*, which is not found in either the Folio or Octavo Edition of the *Acta Regia*. But of this Work I propose to speak more particularly in another Place †.

V. It contains also a very copious and useful Index of the principal Matters in the Twenty Volumes of the *Fœdera*, but adapted here to the Nine Volumes of the Dutch Edition. It is well known that the London Editions have no Index to the Three last Volumes; and that the *Index Nominum*, and *Index Locorum*, &c. are printed at the End of the Seventeenth Volume; and that the latter Index is divided into Seventeen Parts, each Part including the Subjects of its corresponding Volume. This is very inconvenient, as sometimes it may require Seventeen distinct Searches to find the Subject in question.

If we consider the Importance and great Utility of the *Fœdera* to the Civil, Ecclesiastical, and Literary Interests of the Country, we may be astonished to find it at present so little known; and that a Work, which at its first Appearance sold for a Hundred Guineas, should, till very lately, have been sold for Fifteen or Twenty. Several Causes have contributed to this.

1. Only 200 Copies of the first Edition are said to have been printed. 2. Many Sets of the more portable Dutch Edition getting over into this Country, were sold cheap; and this in a Measure supplanted the Original. 3. The Publication of Mr. Rapin's *Acta Regia*, which was always considered to be a faithful Abridgement of the *Fœdera*, was deemed also by many to be a complete Substitute for it. This again produced a further Neglect of the original Work. On this Subject it may be necessary to say a few Words.

The *Acta Regia* is certainly a Work of considerable Merit; and it is much to be regretted that the *Fœdera* had not been conducted on a similar Plan. Then, indeed, it would have been the greatest and most useful diplomatic Work ever exhibited to the World: but though the *Acta Regia* may serve as a useful Index to the *Fœdera*, it never can be a Substitute for it, but with very superficial Enquirers, who must often commit themselves by an implicit Reliance on the *Acta Regia*, as it omits many important Acts and Instruments found in the original Work.

These are the principal Causes of the low Estimation in which the *Fœdera* is now held, to which might, perhaps, be added a general Ignorance of its Importance; as it is now scarcely known to any but Statesmen and Civilians. I venture, however, to predict, that since the Right Honourable the Commissioners on the Public Records of the Kingdom have taken up the Subject, and have recommended both a Supplement to, and a Continuation of, the Original Work, it will in consequence, when they accomplish their laudable Design, become one of the scarcest, and perhaps the highest priced Books, in the Republic of Letters. The Hints which the Public have already heard on this Subject, have raised the Work to more than double its former Price, and have caused every Copy on Sale to be bought up.

* This Point has been examined in a succeeding Report, and a full Account given of this Tract.

† An ample Account of this Work also has been laid before His Majesty's Commissioners in a succeeding Report.

Appendix, (I.)

Plan for Supplement and Continuation.

III.—*Of the Materials of which the Fœdera is composed; and how far they accord with the original Design.*

Having considered the Origin of this Work, the different Editions through which it has passed, and their comparative Merits, I come now to examine the Materials of which it is composed.

According to the Plan of its Noble Projector, the Earl of Oxford, it should consist of "All Leagues, Treaties, "Alliances, Capitulations, and Confederacies, which have at any Time been made between the Crown of England "and other Kingdoms, Princes, and States, intermixed with such Instruments and Papers of State, as either more "immediately relate to them, or are curious and useful in illustrating the English History;" and according to its own Title, which is an abridged Echo of the above, it consists of "The Leagues, Conventions, Letters, and all other "Public Acts, between the Kings of England, and all other Emperors, Kings, Popes, Princes, or Communities."

Whoever carefully examines the Work, will find, that though the Title agrees in general with the Contents, yet there are many Exceptions.

(1.) It should contain all the Leagues, Conventions, &c. which could have been found: but this is not the Case; as several important Instruments in the *Collectanea Rymeri*, in other Parts of the *Cottonian Library*, and in several other Repositories of the Public Records, sufficiently evince.

(2.) It should contain only important and authentic Documents: but whoever closely considers it, will find it contains many unimportant, and some dubious Instruments. See, for example, the Letter of the old Man of the Mountain to the Duke of Austria *.

(3.) It contains several Documents, which however authentic, are perhaps improper to be published. I shall refer to Two Descriptions of this Kind of Acts.

I. Those Papers and Letters which disclose certain Secrets of Government, which I think it must be ever prudent to conceal, *e. g.* The Letters and Communications of those minor confidential Persons, whom Government, having to do with a powerful and subtle Foe, or with a procrastinating or faithless Ally, is sometimes, though reluctantly, obliged to employ. In such a Work, the Intelligence communicated by a Spy should never be inserted, unless it tend to develope some strong or important Fact, which without such Assistance would remain obscure, and destitute of its diplomatic Causes and Consequences.

II. Those Acts which disclose Family Secrets: I mean Royal Acts of Oblivion, passed on Crimes, where the King, using his Royal Clemency, so far forgives the Culprit, that all Proceedings in Civil and Ecclesiastical Law shall be stayed; the Crimes, as far as they affect Civil Society, or the Posterity of the Offenders, being fully pardoned. That such Acts as the above should be recorded, I am well aware; and that they may be useful as Matters of Reference, I have no Doubt: but perhaps it were better that none such should be published, except where the Family implicated is extinct. On this, as well as on some other Grounds, we may regret with Sir J. Ayloffe, "that Mr. Rymer had not more maturely considered the Nature, as well of several of those "Instruments which he printed, as of many which he omitted."

From the Title of the *Fœdera*, the Reader is led to expect nothing but Public Acts; but he finds a large Proportion of the Work to consist of Private Acts, both of an Ecclesiastical and of a Civil Nature. These, several intelligent Persons think a Blemish in the Work, and should be omitted in a new Edition; "as they are in Hostility "to the Title Page." I was of this Opinion myself, until I recollected the Plan of the Earl of Oxford; which states, that the Leagues, Treaties, &c. should be "intermixed with such other Instruments and Papers of State, "as either more immediately related to them," (i. e. the Leagues, &c.), "or were curious and useful in illustrating "the English History." This wish of the learned Nobleman, Mr. Rymer evidently kept in view, in different Parts of the latter Volumes of his Compilation especially; though he has often lost sight of it when he might have met it with great Advantage; and has made no Provision for it in his Title Page. Probably he thought the Head *Literæ* comprehended the principal Parts of these Materials; and it must be granted, that most of them do fall under this Title.

It has been objected also, that there appears too great a Proportion of Ecclesiastical Matters in the Collection, many of which are of little Importance as Facts, and are never likely to be resorted to as Precedents. This may be deemed an Imperfection: but when we take into Consideration the great Influence claimed and exerted over England by the Church of Rome in those early Times, particularly from the 12th to the 16th Century, we need not be surprized at the Multitude of Ecclesiastical Acts, which occur in the *Fœdera*. The Regal Authority in those Days, was only an Echo of the Papal Power; and the State was scarcely seen or acknowledged, but in its Vassalage to the Romish Church.

* See Strictures upon this Instrument in a subsequent Report.

APPENDIX, (L.)

Plan for Supplement and Continuation.

IV.—*Considerations relative to the intended Supplement to Rymer's Fœdera.*

The perfecting of this great National Work, seems to have been one of the earliest Objects, that engaged the Attention of the Right Honourable The Commissioners "constituted and appointed by His Majesty's Royal Com- "mission, bearing Date the 19th July 1800, to consider the State of the Public Records of the Kingdom." And they directed their Secretary "to write to the Keeper of the Records in the Chapter House of Westminster; "the Keeper of the Records in the Chapel of the Rolls; the Keeper of the Records of the Privy Council; and "the Clerks of the Signet; and to the Keeper of the State Paper Office, to consider and report to this Board, "of a proper Selection of Instruments and State Papers in their Custody respectively, for the Purpose of forming "a Supplement to Rymer's *Fœdera*, during the Period of Time which that Work comprehends; and also of a "Selection to form a Continuation of that Work, to the Accession of King George II."

Few who have consulted the *Fœdera*, have thought that Mr. Rymer commenced his Work at the most proper Period. Neither the Year 1101, nor the Accession of Henry I., constitutes any remarkable Era in our Annals or History: he should at least have gone back as far as the Norman Conquest in 1066. This is a remarkable Era: none, indeed, more so, previously to the Revolution; it brought about Changes, the Influence of which has been felt through every Period of our History, from that Time to the present Day.

Should it be said, that "we cannot in general depend upon the Authenticity of the different Instruments, which "occur prior to the Accession of Henry I.;" it may be answered, that we have a great Variety of Documents previously to that Time, the Authenticity of which cannot be questioned; and several others, which though not indubitably genuine, may be proved to stand on as fair a Ground as many in the *Fœdera*. It is true, that by Stat. Westm. 3d Edw. I. c. 39, the Year 1189, or the First Year of Richard I. is assigned as the Commencement of the legal Term, defined, "within the Time of Memory;" but this certainly cannot be understood, as stigmatizing with uncertainty, the Accounts we have of previous Transactions; had this been so understood, and had the *Fœdera* been constructed upon this Definition, some of the most important and valuable of its Materials had never seen the Light. And if all, prior to that Time, were to be considered dubious or uncertain, many important Articles in the *Fœdera*, and in our ancient Historians, as well as numerous important Laws, must be rejected as presumptively spurious. Even Père Hardouin, the most fastidious of Chronological Critics, would enter his Protest against such a Conclusion.

With the utmost Deference, then, and perfectly under Correction, I submit the Opinion, that the Supplement to Rymer, projected by the Right Honourable The Commissioners, should embrace not only the Period of Time which that Work comprehends, but also the Time antecedent to it, at least from the Norman Conquest. If legitimate Materials can be procured to fill up this Chasm, as well as that from the 2d of Henry I. in 1103, to the Second after the Accession of Stephen in 1137, it will be a Consummation devoutly to be wished. There is no Paper in the *Fœdera* for any of these Periods. The First, indeed, does not come within the Time it comprehends. At any Rate, it can neither injure nor retard the Undertaking, to collect, in the Course of Search for other Materials, all that seems to be proper to fill up the Chasm, from the Norman Conquest to the Accession of Henry I. These may be carefully examined according to the Rules of Diplomatic Criticism; the uninteresting and spurious rejected, and those worthy of the Work inserted in their proper Places.

V.—*Of the Materials proper for this Work; and the Repositories in which they may be found.*

As to the Materials proper for this Work, they are yet latent in their respective Repositories: These are,

1. The British Museum. 2. The Chapter House, Westminster. 3. The Tower. 4. The Rolls' Chapel. 5. The State Paper Office. 6. The Privy Council Office. 7. The Signet Office, &c. &c.

The Nature of the Documents contained in the above Repositories need not be pointed out here, as they have all been referred to in the Transactions of this Commission. It is sufficient to know, that in them principally must be sought the Materials which are to compose both the Supplement to, and the Continuation of the *Fœdera*.

It would be well also, if the Intercourse with France were open, to obtain Permission for a confidential Person to go over, and examine the Contents of the Imperial Library; as there is much Reason to believe, that several important Documents were carried thither on the Abdication of James II., and especially such as related to the Stuart Administration, and to the History of the Queen of Scots; for notwithstanding the Labours of several learned Men, an impenetrable Cloud still hangs over this Part of our History: as to the Transactions between Queen Elizabeth and that unfortunate Princess, little that is satisfactory appears in the *Fœdera*; as there is but one Act relating to the Subject from 1563 to 1587.

Perhaps it may not be going too far to say, that there is much Reason to suspect that several important original Records have been purloined from the Tower and other Repositories in Times of public Distraction. When Mr. Agard made his Calendar of the Records in the Tower, in the Time of Queen Elizabeth, there were then in the Study Fifteen Bundles of Petitions to Parliament, which had been presented at different Periods, from the 2d

Appendix, (I.)

Plan for Supplement and Continuation.

to the 30th Year of Edward III. inclusive: These were no Doubt in being when Mr. Powel published Agard's Work in 1631, in what he calls the "Repertorie of Records," see p. 212; but Sir Joseph Ayloffe has observed, that all these Bundles, except that for An. 7, are now lost. If these have been removed, might not others of greater Importance have been removed also? And does not the Paucity of Public Acts, in eventful Periods of our History, in which an Abundance might reasonably be expected, prove that Depredations must have been committed on the Public Records? On this Subject, see the Introduction to Sir Joseph Ayloffe's Calendars, pp. 6, 34, and 36.

Besides the Documents in the Repositories already mentioned, there may be many in the Bodleian and other Public Libraries, in the different Cathedrals, in the Private Libraries of Antiquaries, and in those of curious Collectors of rare and antient MSS. It might be well to invite Noblemen and Gentlemen, who may possess such valuable Papers of this Description, to permit them to be copied for the Benefit of this Work. An Application of this Kind would certainly not be without Effect; and even one authentic Document, thus recovered, might be an invaluable Acquisition to the *Fœdera*. It must, however, be granted, that all Communications of this Kind should be received with the extreme of Diffidence and Caution; nor should any be adopted until it had been fully subjected to the Ordeal of Diplomatic Criticism, which alone determines the Criteria by which spurious and counterfeit Acts can be distinguished from those which are genuine.

The Letters of Queen Mary, published in the Dutch Edition of the *Fœdera*, are a Proof that the Libraries of Individuals may be resorted to, in a Case like the present, with considerable Success. The Propriety of such a Measure as that recommended above, has not escaped the Notice of the Right Honourable the Commissioners, who have ordered a general Search to be made for "Originals, Records, and MS. Copies of Charters and Statutes" through the principal Public Libraries in the Nation. This Measure, in Reference to the Object for which it was recommended, has been carried into Execution; and from it they have received very satisfactory Reports, and some invaluable original Instruments.

VI.—*Of the Mode to be adopted in selecting, arranging, and editing the Materials for the Work.*

On the best Mode of conducting the projected Supplement and Continuation, it is difficult in the present Stage of the Business to decide. With respect to the general Enquiry, I am fully of Opinion, that nothing can be proposed better calculated to answer the End, than that recommended by the Right Honourable Board itself, viz. "That the Keepers of the different Records, and the Clerks of the Signet, do consider and report to the Board "of a proper Selection of Records, Instruments, and State Papers, in their Custody respectively, for the Purpose "of forming a Supplement and Continuation of Rymer's *Fœdera*." The slightest Departure from this Principle should not be admitted. The Keepers of these Records must be best acquainted with the Materials under their Care; and consequently the best qualified to examine, select, and transcribe, what may appear most proper for the Accomplishment of this great Design.

To aid them in their Researches, those Gentlemen should always have at hand a Copy of the *Fœdera*, or a Synoptical Abridgement of it. By this they could at once see whether the Instrument they had discovered had been already published. When they have found an unpublished Original, suitable to the present Undertaking, they should order it to be fairly transcribed, paying the utmost Attention to the Dates, Names of Persons, Places, &c. and the Place or Office where deposited. They should collate and verify the Copy with the Original, and attest it as thus collated and verified. All Papers thus transcribed and verified, should be delivered into the Hands of such confidential and qualified Person, as the Right Honourable Board might think fit to appoint, whose Business should be to arrange, methodize, and connect the Materials into a regular Series; to collate them with the Histories of the Times to which they respectively belong; and examine whether any important Transaction of those Times, in which the State was particularly concerned, were not noticed by some Public Act: and if none appeared in the Collections put into his Hands, he should have the Power of directing a further Investigation of Records; and in order to lessen the Labour consequent on this additional Search, he should specify the Object of it, and direct to the Year under which it should be sought, as well as to the Place in which it was most likely to be found.

In all Cases of Doubt, the said Person should have Access to the Autographs themselves, that in their Presence he may have the Opportunity of verifying the Transcripts with the Originals.

In the Work of Research, the very excellent and judicious Compilation of Sir Joseph Ayloffe, and the *Calendarium Rotulorum Patentium*, the new Catalogues of the Cottonian and Harleian Libraries, published under the Direction of the Record Commission, may be of considerable Use. Implicit Confidence, however, can be placed on nothing but the Originals; for it will be observed with Concern, that some of the Articles in the Calen. Rot. Patentium bear different Dates from their Transcripts, published in the *Fœdera*. There must be a Mistake somewhere. Both the Dates cannot be true: an Examination of the Originals only can ascertain to which Work the Mistake attaches; and even when found, it will probably prove no more than the extreme Difficulty of such Compilations: for where Multitudes of Dates and Names occur in every Page, it is almost impossible to keep the Work free from Error.

It

Arrangem. (I.) Plan for Supplement and Continuation.

It is a Question of considerable Difficulty, what is the best Model after which a Work of this Kind should be published. Were it intended only to furnish Precedents, the Arrangement of Materials in Chronological Order might be deemed sufficient; and thus the Supplement and the Continuation might be conducted on the Plan of the original Work. It is true, that this would produce a comparatively shapeless Mass of Materials, having little Connection or mutual Dependence beyond what they derive from their Chronological Arrangement; but it has this Advantage, that all the Acts of one Sovereign are seen in their successive Order; and a good Index would supply the Place of a systematic Arrangement, and by this Means the different Materials might be easily classified for any existing Purpose.

If the Work were intended merely to supply the Place of a regular History, it would greatly add to its Utility, though it would require much more Time and Pains in the Execution, to shew by short Notes at the Bottom, what gave rise to the particular Instruments which form the Body of the Compilation; and how each, either terminated in itself, or produced another regal Act, &c. This would be taking a middle Course between the present arid Appearance of the *Fœdera*, and that concatenated Historical Abridgement of its Materials, given by Le Clerc and Rapin.

When the Compiler has formed what he judged a proper Selection from the Materials put into his Hands, and has arranged and connected them into a regular Series, previously to their going to the Press, they should all be subjected to the Inspection of the Right Honourable the Commissioners, with whom alone, should lie the ultimate Decision concerning what is proper, and what improper to be published.

The *Fœdera*, as it now stands, may be considered the Work of an Individual; and he alone is responsible for its Defects; for it does not appear that Mr. Rymer's Work was subjected to any Examination beyond his own: but the Case will be widely different in the projected Supplement and Continuation. These will not, cannot be considered by the Public as the Work of a private Person. The Commissioners will be considered as principally responsible for whatever is done under their Authority; consequently too much Caution cannot be used, and too much Care cannot be taken to make the Work worthy of its grand Object, and of those under whose Auspices it is compiled and issued.

As the Supplement from the Nature of its Materials must be slowly formed, it would be well to put no Part to the Press until the Whole be compiled; for as Instruments of a prior Date to those already in hand, may be the Fruits of subsequent Searches, the Whole should be collected and arranged before any Part is printed, that there may be no Appendices nor Omissa, which in a Supplement would be peculiarly improper. The Continuation from the Period where the *Fœdera* ends, may, however, be proceeded on in a different Way. Each Volume might be put to Press as soon as prepared.

A Number of Observations, relative to this and other Departments of the Work, present themselves to my Mind; but I wave them for the present; and, with all due Deference, submit every Opinion here expressed, to the Correction of The Commissioners, whose Province it is, not only to decide on the Merits of this Essay and Plan, but also on the best Mode of accomplishing a Work, of which they are the Projectors and Patrons.

28 March 1808. (Signed) ADAM CLARKE.

WHEREUPON the Board approving of the Method suggested by Dr. Clarke for the Execution of this Work;

ORDERED, That the Secretary do obtain Admission for Dr. Clarke to make Searches in the several Public Offices, Libraries, and Repositories, which it may be necessary for him to consult.

AT a BOARD of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Tuesday 2d May 1809;

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.
The Right Honourable Lord FREDERICK CAMPBELL.
The Right Honourable JOHN Lord REDESDALE.
The Right Honourable SYLVESTER Lord GLENBERVIE.
The Right Reverend JOHN Lord Bishop of BANGOR.
The Right Honourable Sir WILLIAM GRANT, Master of the Rolls.
The Right Honourable ARCHIBALD COLQUHOUN, Lord Advocate of Scotland.
The Right Honourable CHARLES BATHURST.

The Secretary stated, that Dr. Clarke had been diligently employed since the 25th March 1808, in collecting Materials at the British Museum, Tower, Rolls, &c. and in comparing them with the Contents of Rymer's printed Work.

ORDERED, that Dr. Clarke be desired to prepare and lay before the Board a further Report upon the Particulars of RYMER'S Plan, and upon the best Plan for forming a SUPPLEMENT and CONTINUATION thereto, together with his Opinion upon the Expediency of conforming therein to the Plan adopted by Rapin in his Acta Regia.

Second

APPENDIX, (I.)

Plan for Supplement and Continuation.

Second Report on Rymer's Fœdera.

In consequence of the Order of the Board of 2d May 1809, whereby I am desired to prepare and lay before the Board a further Report upon Rymer's *Fœdera*, and the best Plan for forming a Supplement and Continuation thereto, together with my Opinion upon the Expediency of conforming to the Plan adopted by Rapin in his Acta Regia, I have the Honour to state as follows:

§ 1.

FIRST, The Plan proposed by Mr. Harley, afterwards Earl of Oxford, was the following: "To print at the Public "Expence all the Leagues, Treaties, Alliances, Capitulations, and Confederacies, which had, at any Time, been "made between the Crown of England and other Kingdoms, Princes and States, intermixed with such Instruments "and Papers of State, as either more immediately related to them," (i.e. to the Leagues, Treaties, &c.), "or were "curious and useful in illustrating the English History."

Mr. Harley's Plan properly divides itself into Two Parts:

1. The collecting and publishing all the Leagues, Treaties, &c. between the Crown of England and other Kingdoms and States.
2. The collecting and publishing all such Instruments and Papers of State as might illustrate those Leagues, &c. in particular, and cast Light on English History in general.

The First Part of this Plan, as we have already seen, was executed with considerable Zeal and Diligence by Mr. Thomas Rymer, the Historiographer Royal, who had been recommended by the Earl of Halifax, as a proper Person to accomplish Mr. Harley's Design.

To the Second Part, he appears to have paid but comparatively little Attention, especially in the earlier Volumes of his Work; as it seems to have been his original Design to insert what may be termed Regal Acts only; and hence, few illustrative Papers, curious and ancient Documents that were not of this Description, however authentic, were permitted to occupy a Place in the *Fœdera*.

That he afterwards altered his Plan, probably on the further Suggestion of the Earl of Oxford, appears from Two Considerations.

1. That his latter Volumes have a much greater Proportion of those curious and illustrative Papers than the former ones, which cannot be accounted for, on the Paucity of such Materials in his earlier Periods; as I have discovered and selected many in Times over which he passed, and with several of which I can scarcely think he was wholly unacquainted.
2. This Alteration of Plan farther appears from the Collections in 59 Volumes, Fol. (1.) * which he appears to have made after the principal Part of his Work was published, and which are now deposited in the British Museum, extending from A. D. 1115 to 1698, and which are principally composed of Instruments of the Description recommended in the Second Part of the Earl of Oxford's Plan.

Hence I am led to the Conclusion, that Mr. Rymer's Plan was originally to publish Regal and Public Acts only, and such as he found sealed, or otherwise unequivocally authenticated; and this was probably the Reason why he commenced the Work with the First Year of the Reign of Henry I., as prior to that Period he found no sealed public Instrument; and probably few or none such exist.

That the Collection should commence at so late a Period as the Accession of Henry I., could, in my Opinion, never have been the Design of the original Projector; for, as he wished that "all Papers and Instruments which "were curious and useful for the Illustration of the English History," should form a Part of the great aggregate Collection, so he must have designed that the Work should ascend, at least to the Termination of what may be called our fabulous Times, and take in every authentic Instrument, whether Saxon or Latin, that might cast even one steady Ray of Light on the Subject. Why Mr. Rymer should not have done this, we may readily conjecture, and conjecture too with the most plausible Appearance of Truth. It would have consumed much Time, and have been extremely laborious and perplexing. I feel in some respect competent to deliver an Opinion on this Subject, from the Difficulties I have experienced, in the Researches I have made in the Period preceding the Accession of

* From the following Note in the Work entitled, "State of the Public Records of this Kingdom," p. 103, it appears that this Collection, called, The Collectanea of Rymer, was, after his Death, purchased by Government.

"The Committee of the House of Lords, (mentioned p. 26,) having received Information that several Transcripts of Records left by the "late Mr. Rymer, and not printed, were now in the Hands of Mr. Awnsham Churchill, a Bookseller, their Lordships thereupon sent for, and "examined the said Mr. Churchill, who acknowledged the said Transcripts were in his Custody, but he looked upon them to be only Papers "which the said Mr. Rymer threw by as not fit to print; and that his Executrix had procured them to be bound, and they were paid for "by the Treasury, and were to be applied for the public Inspection. And he further informed the Committee, that the said Transcripts "were ready to be delivered as Direction shall be given. And their Lordships have since given Direction that the same be, for the present, "put into the Custody of the said Mr. Incledon, your Lordship's Housekeeper."

Stephen,

Stephen, or rather of Henry II., when the *Fœdera* may be properly said to commence; as there are only Seven Papers in it in the Reign of K. Stephen, and only Two in the long Reign of Henry I., where it professes to begin. In both these Reigns several Documents of considerable Importance will be found in the Collection now in hand.

With respect to Rymer's Arrangement of his Materials, it is only necessary to observe, that he has been directed by Chronology alone. His Kings, of course, follow each other in Chronological Order; and the Documents produced under each Reign succeed to each other in the same Way, without the slightest Attempt at Classification, a very few Instances excepted, or any other Arrangement than that of the successive Years of each Reign, and the consecutive Months, and Days of the Month, of each Year.

There is a Defect of Plan in the *Fœdera*, which has been noticed by several: the following are the Words of Mr. Le Clerc on the Subject:—

" Il seroit à souhaiter que M. Rymer nous eut fait en peu de mots, l'histoire et le plan de son dessein, et nous " eut donné quelque description des Archives d'où ces Actes out été tirés. Je suis persuadé que le Public auroit " reçu agréablement ce petit detail. Il s'est contenté de nous donner dans son preface, une liste de divers faits, " par le moyen desquels on peut redresser, ou supplier l'histoire, et semble promettre quelques remarques sur " les Actes, qu'il publié." Bibliotheque Choisie. Sir Joseph Ayloffe and others have made similar Complaints.

Whoever, therefore, in consulting the *Fœdera*, wishes to find out an Act of a particular Description, and other Acts of the same Kind, if he know not the particular Year in which it occurs, must run down the whole Reign in its chronological Series, which must necessarily occupy a considerable Portion of Time, as many Cases may occur, in which the Indices will afford little or no Assistance. These Observations may be sufficient to answer the Desire expressed by the Right Honourable the Commissioners, " that the Papers, Documents, &c. under each Head in " the *Fœdera*, should be described by Classes," as no Classification exists, and there are scarcely any separate Heads to be found in the Work.

§ 2.

To the SECOND QUESTION of the Right Honourable the Commissioners, viz. " What is the Plan on which the " Selections for the Supplement and Continuation are proposed to be made?" I beg Leave to answer.

I. I think a very essential Distinction should be made between the Plan of the Supplement and that of the Continuation: when I undertook, by Order of the Commissioners, to make these Selections, it first appeared to me that the Plan of the Supplement should be the same with that of the Work whose Deficiencies it is intended to supply.

1st, Because it seems most consistent that the Supplement should have the same Arrangement with the original Work, however exceptionable that Arrangement, in Reference to the *Iucidus Ordo*, may appear.

2dly, Because I did not know that it might be practicable to make any other Arrangement, on account of the Paucity of Instruments under certain Departments; as I was aware that the different Archives had already been ransacked by the original Compilers, so that few Documents of Importance which now remain, and possibly may not be capable of any other Arrangement than that of their Predecessors in the *Fœdera*. If, however, farther Researches should bring to light any considerable Number of valuable Materials, another and better Mode of Arrangement may be successfully attempted; and this Measure, as far as I am personally considered, I have left to Discretion, to be proceeded on in that way which may appear most proper, when the Selections shall be completed.

With respect to the Continuation, " the Plan of which" (I have already stated) " should be widely different " from that of the Supplement," I beg Leave to offer my Opinion.

1. The Continuation will be an entirely new and complete Work, and consequently may be constructed on any Plan which the Wisdom of The Commissioners may devise, as the most proper and useful.

2. Any such Plan will be practicable, as the Instruments have not been already culled, have suffered nothing from the Wastes of Time, being comparatively recent, and are in greater Abundance than those of preceding Ages. I would advise, therefore, that a distinct and scientific Arrangement of this Part of the Work should be at once adopted, and the Selections, to save Waste of Time and Labour, be made on the Plan of Arrangement previously to be laid down. Then all Documents of a similar Description would be found under one Head; and the Chronological Arrangement would complete their Order. The Enquirer, therefore, in consulting the Work when edited, would be saved from the Perplexity and Embarrassment produced by the heterogeneous Mixture in the original Work, which we may reasonably suppose have frequently prevented Persons from finding the Objects of their Pursuit, though actually existing, but in a discordant Alliance, in the Work under Examination. A good Arrangement of Materials in any Work is of great Importance, and often equal to Half the Sum of the most accurate Description: But as it is proposed to have complete Indexes to the Work, where the Articles will

Appendix (I.) Plan for Supplement and Continuation.

necessarily be classified, this will, in a considerable Measure, supply the Want of Classification in the Work itself, which may be continued in its Chronological Arrangement as before.

§ 3.

THIRDLY, The Right Honourable The Commissioners order those who are employed in the Work, to "consider and state their Opinion upon the Expediency of forming the Supplement according to the Plan adopted by Rapin in his *Acta Regia*."

As I have already spoken concerning the Supplement, considered merely in relation to its supplying the Deficiencies of the original Work, I shall take it for granted, that the Work in this Part of the Order may be restricted to the Continuation, which is to supply the remaining Reigns, from the Sixth of Charles II. to the Accession of His present Majesty.

The Plan of the *Acta Regia* must next be considered, to see if on the whole it may be the most proper, according to which the Continuation should be constructed.

It should not be forgotten, that what was termed in Holland *Abregé Historique des Actes Publics d'Angleterre, recueillis par Thomas Rymer*, and in the English Edition, *Acta Regia*, was begun by Mr. J. Le Clerc in the 16th Volume of the *Bibliotheque Choisie*, in which Work no other Plan appears to have been either intended or followed, than that of giving a simple Analysis of the Contents of each Volume, with a Critique on the Importance of the Materials. This Analysis Mr. Le Clerc conducted through the First Volume of the *Fœdera*; after which he put the Work into the Hands of Mr. Rapin, who brought it down to the Conclusion of the 17th Volume, on a Plan more extended and more methodical than that of Mr. Le Clerc; and that there might be a Uniformity in the Work, when he had gone regularly down from the 2d to the 17th Volume, he took up the First Volume, which had been analyzed by Mr. Le Clerc, and abridged it on the same Plan he had adopted with respect to the succeeding Volumes.

In the Hague Edition of the *Fœdera*, Vol. x., the elegant Analysis made of the First Volume by Mr. Le Clerc precedes Rapin's Abridgement; but this is totally omitted in the *Acta Regia*, or English Translation of Rapin's Work by Mr. Stephen Whateley.

What Mr. Rapin's Plan was, we learn from his own Words in the Commencement of his Work, and by these we find it differed from the Plan of Mr. Le Clerc in Two important Particulars; 1. In giving a better arranged and more extensive Analysis of the Contents of each Volume; 2. In shewing the Relation these Acts bore to the History of England, and of what Importance they were in illustrating the public and private Transactions of each Reign.

"Mr. Le Clerc," says Rapin, "en donnant l'extrait du premier Tome, s'est contenté de faire connaitre en gros, "l'usage qu'on pouvoit faire de ce Recueil; premierement par quelques remarques generales; & secondement, "en indiquant quelques-uns des Actes le plus importans, qui se trouvent dans le premier Tome. Mais, mon but, "dans les extraits suivans, a été d'entrer dans un plus grand detail, de marquer le rapport des Actes avec les "evenemens qui se lisent dans l'histoire, & d'eclaircir les uns par les autres." *Abregé Historique.*

This we may properly consider as Rapin's general Plan; but as the Transactions and Acts under the different Reigns were often much diversified, he could not reduce his Plan to general Heads, under which he might arrange the Transactions and Acts of these Reigns. Hence we find the Plan of his Analysis differs not only in each Volume, but in each Reign. The Method which he appears to have pursued was this:

1st, He carefully considered the Acts in the *Fœdera* under each Reign. 2dly, He brought Acts of a similar Description together, and thus made a general Classification, under the Denomination of Articles. 3dly, He then examined the History of England in its Foreign and Domestic Relations, and selected the leading Facts which might be arranged under the Articles of the preceding Classification. 4thly, He gave an Epitome of these Historical Transactions under each Article, attaching to each the Act or Acts by which these Historical Transactions were illustrated and confirmed. 5thly, He added some Notes at the Bottom, the better to explain certain Circumstances, both in the Acts themselves, and the Transactions or History of those Times. An Example taken from the Reign of Henry II. will shew this Plan.

ARTICLES.

I. Of the Increase of the English Monarchy.—II. Affairs of Henry with Thomas à Becket.—III. Of the Conquest of Ireland.—IV. Rebellion of Henry's Sons.—V. Henry's Affairs with Scotland.—VI. Henry's Affairs with France.—VII. Of Richard's Rebellion.

Each of these forms a Head of Historical Discussion; at the End of which, such Acts in the *Fœdera* as referred to the Subject are mentioned.

This

This Arrangement may be considered merely as *pro re natâ*, and consequently never could be of general Application; and on this Kind of perpetually varying Plan he continued his Abridgements to the Conclusion of the 17th Volume of the *Fœdera*. The remaining Three Volumes were abridged by a different Hand, the Author deriving his Historical Connections from Rapin's History of England. This Abridgement is tedious, lacks lucid Arrangement and distinguishing leading Principles, and absurdly classes all the Transactions, and the Acts relating to them, in Alphabetical Order, to the Confusion and almost total Destruction of Chronological Arrangement, so essentially necessary to a Work of this Kind.

It is obvious, how much these important Records must be dismembered, by being reduced to such an Order as was required under—Amboine—Armée—Chambre Etoilée—Chevaliers—Colonies—Descharges—Decouvertes, &c. &c.; and to what an Excess this Confusion must be confounded in the English Translation, which, following the Order of its own Alphabet, displaced most of the Articles in the French Arrangement! Amboyna—Army—Books—Church—Dispensations—Forest Laws—Grants—Inventions—Knights, &c. &c.

Having thus examined the Plan of Rymer in the *Fœdera*—Le Clerc in his Analysis—Rapin in his Abridgement—and Rapin's Continuator in his Historico-Alphabetical Details, it is Time, according to the Order of the Right Honourable the Commissioners, to consider "the Expediency of forming the Supplement according to the Plan "adopted by Rapin in his *Acta Regia*."

If we take the *Acta Regia* as signifying the original Work, we find it to consist of Three different Plans, Le Clerc's, Rapin's own, and his Continuator's;—if we consider it as implying the English Edition, which solely has the Title of *Acta Regia*, then it consists of Two Plans, that of Rapin, and that of his Continuator; Le Clerc's being omitted in the English Edition. The last Two Plans, both in the Original and the Translation, are nearly the same. As the Method pursued in the last Three Vols., which is not Mr. Rapin's, is so very injudicious, and every way exceptionable, I suppose I may consider it as out of the Question: it may answer the End of an Index, but it is quite inadequate to give a scientific, connected, chronological View of the important Contents of such a Work as the *Fœdera*. Mr. Rapin's own Plan is that alone which remains; and the Question is, should the general Plan of Rymer be continued, or should Rapin's Plan be adopted?

We have already seen that Mr. Rapin's Plan consists in distinguishing the grand Historical Transactions of a particular Era, and arranging the different Regal Acts, which relate to those Transactions, under them in chronological Order: the Transactions and the Acts being connected by short historical Notices.

This Plan is certainly to be preferred to the heterogeneous sterile Plan of Mr. Rymer; but I fear, that if it be adopted in the projected Continuation, while it contributes to the Usefulness, it will essentially alter the Form and Complexion of the *Fœdera*. The Work can no longer bear the same Title:—it will consist, partly of original and authentic Diplomatic Papers, containing the "Leagues, Treaties, Letters, and all Kinds of Public Acts, between "the Crown of England and other Kingdoms, Princes, and States, &c." and partly of Historical Notices of State Transactions, which gave Rise to, and were consequent on, these Leagues, &c. Should, therefore, the Person who may be employed to make the Arrangement, and furnish the connecting Media, be warped by Party Prepossessions, Political or Ecclesiastical Prejudices, or be deficient in Historical Knowledge, or in Judgment, he might be led, even undesignedly, to give a false Colouring to certain Transactions; and perhaps, through this, make wrong References in the Arrangement of his Acts, Letters, &c. This, in the Body of such a Work, would be extremely prejudicial, and derogate greatly, both from its Merit and Authenticity: and I find, that even the industrious, judicious, and generally impartial Rapin, has not been wholly free from Errors of this Nature.

§ 4.

I shall, therefore, with great Deference to the Right Honourable the Commissioners, and perfectly under Correction, propose a Plan on which to conduct the Continuation, and even the Supplement itself, should a sufficient Variety of Documents be found, which shall answer all the excellent Purposes of Rapin's Arrangement, and be liable to none of the Objections by which his Plan is encumbered.

The Instruments in the *Fœdera* may be divided into Two Grand Genera, under each of which a Number of subordinate Classes may be arranged, *e. g.*

I. *Grand Division.*

Instruments which relate to

Foreign { Ecclesiastical / Political } Transactions.

II. *Grand*

APPENDIX, (I.)

Plan for Supplement and Continuation.

II. *Grand Division.*

Instruments which relate to

Domestic { Ecclesiastical / Political } Transactions.

Whatever concerns the Church of England, and the Interests of Religion in general, may, for the Sake of Order, &c. be thus arranged:

I.—*Ecclesiastical Transactions, Foreign and Domestic.*

1. Religious Houses, Charters of Foundation, Endowments, Extended Privileges, Exemptions, &c.
2. Congées d'Elire, Translation of Bishops, Councils, Pope's Bulls, &c.

II.—*Political Transactions, Foreign and Domestic.*

1. Leagues, Treaties, Conventions, Marriages, &c.
2. Charters of Liberties, general, to the Nation, as well as particular, to Towns, Cities, &c.
3. Creation of Offices, Commissions, Patents, &c.

Or the Whole may be arranged in Alphabetical Order, under the Names of the Places, Empires, Kingdoms, States, &c. to which the Transactions refer, thus:

Foreign Affairs.

Conventions, Treaties, &c. with

Algiers,	France,	India,	Portugal,	Sweden,
America,	Germany,	Morocco,	Prussia,	Turkey,
Austria,	Holland,	Norway,	Russia,	West Indies,
Denmark,	Italy,	Persia,	Spain,	&c. &c.

Domestic Affairs.

1. Treaties, &c. with Scotland, Ireland, &c.
2. Letters, Proclamations, Patents, Pardons, Summons.
3. Testamentary Declarations.

Should a New Edition of the *Fœdera* be printed, and the Chronological Arrangement be observed, as in the former Editions, the Arrangement proposed here, though not followed in the Work, may be adopted with considerable Advantage in the Formation of the Indexes.

I do not pretend to say, that either of these Plans is that precise one which should be followed; this may be determined on when a more particular View of the intended Supplement and Continuation can be taken, from a more accurate Knowledge of the Materials of which they are to be composed; but I wish that a systematic Arrangement may be followed, so that Materials of the same Description may be brought together under one Head, so that it may be properly said,

> " Quæ prius hic illuc variè dispersa jacebant,
> " Hic sunt ad proprium cuncta redacta locum."

To expedite this, or any other Plan that may be adopted, the Recommendation of the Right Honourable The Commissioners should be strictly attended to, viz. " That the Keepers of the different Record Offices, and the " Clerks of the Signet, do consider and report of a proper Selection of Records, Instruments, and Papers in their " Custody respectively, for the Purpose of forming a Supplement and Continuation to Rymer's *Fœdera*."—Abstract of Reports.

This will save Time, Labour, and Expense; Time, as the Clerks in the different Offices may be carrying on their respective Collections in concert; Labour, as they who are the Keepers of those Instruments must be better acquainted with the particular Places in which these Instruments are deposited, the Hands in which they are written, &c. &c; Expense, for the Plan which saves Time, lessens Labour, and precludes the Necessity of an Increase of Sub-Commissioners and Assistants, must be executed at comparatively less Expence; and I am sure The Commissioners wish to conduct every Measure in their great and important Undertaking, on Principles of the strictest Oeconomy.

§ 5.

Though, in the Course of this Report, I have proceeded on the Ground that a Supplement is to be formed to the 20 Vols. of the *Fœdera* already published, yet with the utmost Deference to the Judgment of the Commissioners, I beg leave to offer an Opinion which I have not adopted on dubious Evidence, and which I also beg leave to preface with a few Observations.

1. The

1. The great Utility and Importance of the *Fœdera* have been acknowledged over every Part of Europe.

2. To the British Nation it is as interesting as it is honourable; it is the faithful Depository of its most important Acts; and as the Originals are perishing, and many become almost illegible, the Transcripts in the *Fœdera* should be most carefully preserved.

3. The original Edition of the *Fœdera* has long since disappeared; the second Edition has been long out of print; and the Dutch Edition, much more numerous, is scarcely ever to be met with.

4. I must add another fact; many of the Originals used by Mr. Rymer and his Continuators, are ruined by the Means they made use of to restore the demi-obliterated and evanescent Parts. They have evidently had a Solution of Galls constantly at hand, of which they have made a most liberal Use, for the Restoration of Passages, then, not easily legible; instead of taking up with a wet Spunge the Gall Liquor, after the Purpose of its Application had been answered, they permitted it to remain and dry on; and the Consequence is, that the whole Surface of the Parchment is rendered as black in some cases as the Letters themselves, and thus the Whole is irrecoverably illegible! To corroborate this Fact, which I have frequently witnessed myself, I may refer to Mr. Lysons, who has often seen and deplored the Mischief done by these Means to the Instruments which have passed under the Hands of Mr. Rymer and his Associates. I would not attribute this either to Carelessness or Unfaithfulness in those indefatigable Men; but merely to a lack of Judgment;—they were not aware of the ruinous Tendency of the Process they used; nor of the Necessity of counteracting its pernicious Effects.

Considering, therefore, the vast National Importance of the *Fœdera*;—that it is now out of print;—that in many Cases the Originals from which these Collections have been made are either lost or rendered useless; that it would be of the utmost Consequence to have the whole Body of its Contents corrected, methodized, and arranged in Conjunction with all the new Materials, which, under the Direction of the Record Commission, have been, or may be collected; I humbly propose the Expediency and Necessity of a NEW EDITION of the whole Work, under a more scientific and methodical Arrangement, in which all the new Materials shall be incorporated with the original Matter, under their respective Heads.

A Work of this Kind, with which the Interests and Honour of the Nation are so intimately connected;—a Work, which has the most immediate Tendency to secure the permanent Existence of many of the fairest Monuments of the religious, literary, and political Glory of the Empire;—a Work, for lack of which numerous Mistakes have been committed by eminent historical and political Writers, would amply compensate the Toil bestowed on it, and fully justify the Expence to the Nation, which would be incurred by its Re-publication in this improved State.

I do think, from every View I have been able to take of the Subject, that this Measure is not only pressingly necessary it itself; but would be highly honourable to the present Reign, and to that Royal Commission under which it originated.

And in favour of the Arguments already offered in behalf of a NEW EDITION OF THE FŒDERA, I might add,

1st, That when Mr. Holmes was employed to examine and correct certain printed Articles in Rymer by the Originals in the Tower, &c. and the Fruit of his Labour was a Volume of Corrections, Emendations, &c. which were printed separately; yet this was not judged sufficient, and therefore a new Edition of the Work was recommended and executed, in which his Corrections and Emendations were inserted in their proper Places. However important these Corrections may appear, they are certainly of trivial Consequence, when compared with the Supplemental Additions recommended by the Right Honourable His Majesty's Commissioners.

2dly, I need not state to Persons so fully acquainted with every Department of Literature, that Supplements are in general of comparatively little Use; and that they never have been, nor should be resorted to, but in Cases where the Work, to which they refer, has been in general ill received by the Public, or, in the main, so uninteresting to the generality of Readers, as not to justify the risk of another Edition, in which the Supplement might be incorporated. In this Predicament the *Fœdera* does not now stand; it has a high Character with those who know it; and the Attention paid to its Completion by His Majesty's Commissioners will greatly increase its Credit with the Public both at home and abroad, and consequently its Sale.

Whether the Recommendation of a new Edition be adopted or not, a Volume after the Manner of Rapin may be formed of the Contents of the Work, (in whatever Shape it may appear), which should contain a complete Abstract of the different Acts, &c., connected in a Chronological Series with the leading Facts and grand Transactions recorded in the History of the British Empire: this will serve the double Purpose of a useful Index to the whole Work, and a descriptive Catalogue of all its Contents.

To make the Work as complete as possible, several Instruments in Spelman, Hicks, Wilkins, Thorpe's *Registrum Roffense*, Thurloe's and Strafford's State Papers, and the Corps Diplomatique, should be carefully examined. The Reason why I recommend an Examination of these printed Works is this; I suppose that many of the Originals

 have

Appendix, (I.)

Plan for Supplement and Continuation.

have perished, and that the printed Copies are perfectly authentic. Mr. Sanderson, in the last Volume of the *Fœdera*, has availed himself frequently of the Papers of Mr. Secretary Thurloe. Several Articles will be found among these Writers which properly belong to the *Fœdera*; and should be united to the Supplement, or incorporated with the new Edition, should the Proposal meet with the Approbation of the Right Honourable the Commissioners.

May 13th, 1809. A. Clarke.

Third Report on Rymer's Fœdera,

AND

Upon the Use which Rymer appears to have made of our Ancient English Historians; together with Strictures on the Authenticity of the Letter of Vetus de Monte to Leopold Duke of Austria, exculpating King Richard from the Murder of the Marquis of Montferrat.

In my last Report to The Right Honourable His Majesty's Commissioners on the Public Records of the Kingdom, of Progress made in Collections for the *Fœdera*, and in Answer to the Questions with which they were pleased to honour me, I stated that I should continue to make further Enquiries on certain Points, to which I could not then give an explicit Answer.

§ 1.

One of the Questions to which I have lately bent my Attention more particularly, is this; "Whether many "Instruments mentioned by Dr. Clarke, such as those regarding King John's Surrender of his Crown, &c. "and taken from the Cotton MSS., were not printed before Rymer's Work, and therefore omitted by him?"

I believe this Question implies the Supposition, that Rymer inserted nothing in his Collections which he found had been printed before:

Taking this myself for granted, I have examined the References to the *Fœdera*, only in order to be able to trace up the Documents in this Collection to the Sources whence they were derived. In this Research sometimes I met with Satisfaction; at other Times with none; and upon the Whole, with much less than I had Reason to expect.

When I met with *Ex Ben. Ab.* in Bibl. Cotton.—*Ex Rotul. in Thesaurar.*—*Ex Orig. in Turr.*—*Ex. Rot. Pat. m.* 13. *d.* &c. &c. I was satisfied, because I found the References respectable; but I felt very differently when, as was often the Case, I met only with *Ex Autogr. Ex Origin.*, without any Sort of Reference to any Place where these Originals and Autographs were deposited. How unsatisfactory this Mode of Reference must be, is sufficiently evident; for in such Cases, it may take as much searching to find these Instruments now, as it took Mr. Rymer at the first, and perhaps more; for he met with them in the Course of a general Search, where every Thing that came to hand served some Purpose for some Department of his Work; but in order to find out one of these Originals, a particular Search must be instituted, which must probably be extended to several Offices, as in many Cases it would be impossible to divine where the Search should commence, from any well indicated Probability of meeting with the Article in Question.

But lame as this *Ex Originali* and *Ex Autographo* Information is, it leaves the Conviction that the Autograph may still be in Existence, and that there was an Original in the Time of Rymer, though the *Ubi* is not designated. But when nothing appears in Mr. Rymer's Margin, but simply the King's Name, Year of the Reign, and Year of our Lord, Disappointment and Perplexity have sovereign Rule. In this Case I have often, of late, found myself, while wishing to ascertain the present Residence of many Articles in the *Fœdera*, under the Reigns of Stephen, Henry II., and Richard I., Reigns on which I have been for some Time past more particularly employed.

Having no Suspicion that Rymer ever copied or introduced into his Work any Thing he knew to be in print, I, of course, sought no Information on that Head; but the Question of His Majesty's Commissioners led me particularly to examine, whether I had not inserted some such among my Collections; and this not only produced Part of the Information contained in my last Report, but also led to what appeared to me a curious Discovery.

On having Recourse to our early Historians and Annalists, to find whether any of the Instruments in my Collection had been printed in their Works, I met with several Regal Acts, which I recollected to have seen in the *Fœdera*; beginning to collate them with those in Mr. Rymer's Work, to see what Portion of Credit might be given to those Fathers of our History for Fidelity and Accuracy, I was surprized to find,

1. That the *Fœdera* contained Instruments which were in Print more than a Century before Mr. Rymer's Time.

2. That those very Instruments are those which stand in the *Fœdera* without any reference to the Originals, or where deposited.

3. That

3. That on a close Collation, those in the *Fœdera* appear to have been Reprints from those early Editions.

These several Particulars require some Illuſtration; and, in order to give His Majeſty's Commissioners all the Satisfaction in my Power on this Point, I beg leave to submit a few of the Articles in queſtion in Proof of the above Points, with the Evidence on which my Observations are founded.

In Rymer, Vol. I. p. 43. sub An. 1176, Temp. Hen. II. we find the "Agreement between Alfonsus K. of Castile, "and Garcia K. of Navarre, by which they submit all the Matters in dispute between them, to the Arbitration of "the English King," to the Original of which there is no reference in the *Fœdera*. This Treaty is found in the Annals of Roger de Hov. edit. Francof. p. 562. and also in Bromton, in the X. Script. Col. 1120.

In Rymer, p. 48. we find King Henry's Judgement on the above Case, without any reference to an Original, or Place where to be found. This Decision may be found in Bromton, Ibid. Col. 1124. and also in R. de Hov. p. 564.

In Rymer, p. 50. we find the "Convention between the King of England, and Lewis K. of France, by which "they were mutually bound to take up the Cross against the Sarazins." This is without any reference to an Original, as in the preceding Cases. Rymer appears to have taken this Convention from Bromton. Ibid. Col. 1134. It is also found in Hoveden, p. 571.

In Rymer, p. 52. we find the "Charter of Dowry granted by William King of Sicily, to Joan dau^r of King "Henry," without any reference to the Original. This Charter is extant in Bromton, Ibid. Col. 1113, and in Hoveden, p. 551. with slight Variations, which may be attributed to the Carelessness of the Copyist.

In Rymer, p. 65. we find without any reference to an Original, the curious "Charter of K. Richard, containing the "Rules and Discipline to be observed among the Troops going to the Holy Land;" in which appears the first Instance of Tarring and Feathering on Record. "Latro autem de furto convictus, *tondeatur* ad modum Campionis, "& *pix bulliens super caput ejus effundatur*, & *pluma pulvinaris super caput ejus excutiatur*, ad cognoscendum "eum, &c." This is verbatim in Hoveden, p. 665, also in Bromton, X. Script. Col. 1173, with a few various Readings.

In Rymer, p. 66. we see the "Pacification between Richard K. of England, and Tancred K. of Sicily;" no Original referred to. This is printed verbatim in Hoveden, p. 676, also in Bromton, X. Script. Col. 1184.

Rymer (p. 68) gives the "Form of the Oath made on behalf of King Richard, to the K. of Sicily, for the Preser-"vation of the aforesaid Peace;" no reference to any Original. Printed verbatim in Hoveden, p. 667; also in Bromton, Col. 1185.

In Rymer (p. 69) is "King Richard's Letter to Pope Clement, concerning the above Pacification;" no Original referred to. Extant in Hoveden, p. 678, also in Bromton, Col. 1186.

I have observed above, that these and some others found in the *Fœdera*, were printed more than a Century before Mr. Rymer's Time; the Evidence of this Fact, the Recollection of the Right Honourable the Commissioners will at once supply, as they know that the *Rerum Anglicarum Scriptores post Bedam Præcipui*, in which are contained William of Malmsbury, Henry of Huntington, Roger of Hoveden, Ethelward's Chronicles, and Ingulph's Histories, were for the first Time published by Sir Henry Saville, Lond. 1569, fol.; and the Second Edition, which is that referred to in the preceding Observations, was printed at Frankford, 1601, fol.; and that the *Hiſtoriæ Anglicanæ Scriptores Antiqui*, in which are contained Ralph de Diceto, John Bromton, &c. were published by Sir Roger Twysden, 1652, fol.; and that the First Vol. of the *Fœdera* was not published until 1704; so that the Articles referred to above, from the *Rerum Anglicar. Scriptores*, were published in Two different Editions more than One hundred Years before Rymer published the First Vol. of his Work, in which those Instruments are inserted. These Enquiries might be greatly extended, did Time permit, or Neceſſity require it.

§ 2.

Before I finish my Observations on those Papers in the *Fœdera*, which appear to have no higher Authority than what they derive from their Insertion in that Work; I beg Leave to mention an Instrument under the Year 1192, professing to be "a Letter from VETUS DE MONTE, the شيخ الجبل *Sheekh ul Jibel* (a Chief, of a Branch of the "Hassanian Dynasty, who with several Thousands of his Followers were then settled at Mount Lebanon) to Leopold, "Duke of Austria, vindicating Richard K. of England, from the Murder of the Marquis of Montferrat." Most of our Historians have been struck with the Importance and curious Nature of this Instrument; and it has often been alledged in Vindication of our National Honour. On this Account, I have regretted that Mr. Rymer did not produce his Authority for its Insertion; and I have endeavoured to supply the Defect, by enquiring on all Hands for the Original. But all my Searches for such an Original, as the Letter itself pretends to be derived from, have been fruitless; and with great Deference to the Judgement of His Majesty's Commissioners, I state my Opinion, that the Instrument in question is a Forgery, and is utterly unworthy of a Place in the *Fœdera*.

1. It

Appendix, (I.)

Plan for Supplement and Continuation.

1. It is very improbable that the Sheekh ul Jibel ſhould write such a Letter without any ſufficiently obvious Motive; for there was certainly none in the present Case.

2. Had he written it, it must have been in Arabic, as there is little Probability that he, or any of his numerous Banditti, either understood or could write Latin: and we have no Evidence from History, that he had any European in his Service.

3. Had he written such a Letter, the Latin must be a Translation of the Arabic; but in the present Instance all internal Evidence is wanting; there is not a Sentence in the Letter that appears to have been drawn from an Arabic Source: the beginning, ending, and whole structure would have been different had it ever been cast in an Arabic or Mohommedan Mould; nor on such a Subject could a Translation be made into any European Language without leaving unequivocal Marks of the original Arabic, had there been one.

I have endeavoured to trace this ſuspicious Instrument up to its Source, whether genuine or forged.

It is found in the *Annales sex Regum Angliæ* by Nicholas Trivet, who flourished in the Beginning of the Fourteenth Century, published first by Luke D'Achery, in the 8th Vol. of his *Spicilegium Veterum Scriptorum*, printed at Paris, 13 Vols. 4to, 1655-77. But these Annals were afterwards more correctly edited by Mr. Anthony Hall, 8° Oxon. 1719.

About One hundred Years before the Time of Trivet flourished John Bromton, who has also inserted this Letter in his Chronicon, and very gravely tells us that it was obtained from the *Vetus de Monte* by an Imperial Legation sent to him, by Richard, for this very Purpose! "Rex Ricardus misit imperialem legationem ad Veterem "de Monte, rogans ipsum & assisinos suos, et per ejus epistolam, super dicto crimine de morte Marchisi, ei per "Ducem Austriæ maximè imposito, innocentiam suam purgaret; quod per hujuscemodi literam postea factum "est." This Writer is one of the *Historiæ Anglicanæ Scriptores X.* published by Sir Roger Twysden, Lond. 1652, Fol. in which Work, Col. 1252-3, the Letter may be found verbatim & literatim as it appears in the *Fœdera*; and as the Copy in Bromton differs from those in all the other Annalists, and Rymer's Transcript agrees alone with Bromton, hence there is the most positive Evidence, that he copied it from Twysden's Edition.

Bromton also inserts another Letter from *Vetus de Monte*, in Vindication of King Richard, in which, with all the Inconsistency and Absurdity of the other, he makes the *Sheekh* give the *Salām* to all the Princes and People in Christendom! "Vetus de Monte Principibus Europæ & omni Populo Christiano *Salutem;*" and makes him conclude with the Papal Benediction, *Bene valete!* See the Instrument in Twysden, Col. 1268.

Prior to the time of Bromton, flourished *Ralph de Diceto*, who was Dean of St. Paul's in 1181; and this Letter appears for the first time in his *Ymagines Historiarum*, *Twysden*, Col. 680; who honestly tells us, he received it from William Longchamp, Bishop of Ely, with the Desire that he should insert it among his Chronicles; "Willelmus, Elyensis Episcopus, Radulfo, Decano Lundoniæ.—Mittimus ad vos literas quas *Vetus de Monte* "misit Duci *Austriæ*, de morte *Marchisii* in hæc verba." Then follows the Letter, at the End of which is the Bishop's Subscription: "Nos vero harum transcriptum literarum vobis, *de cujus dilectione plenum habemus experi-* "*mentum*, duximus destinandum, ut de *illo agatis* in Chronicis vestris." *

The Letter now rests with the Bishop of Ely, and I believe it will be impossible to trace it from him to Mount Lebanon. On this Part of the Subject, a few Words may suffice. It is well known that William Longchamp was a Norman of mean Extraction, who had Address sufficient to enable him to gain the Confidence of King Richard; so that we find him consecrated Bishop of Ely, made Chancellor, and Papal Legate, all in one Year, (1189,) the first Year of Richard's Accession; who, when he went to the Holy Land, left him Regent of the Kingdom in conjunction with the Bishop of Durham and five others. Behaving himself insolently in this Office, he was deprived of the Regency in 1191; but was afterwards, in 1193, restored by the King, whom he visited while Prisoner at Vienna, and by whom he was invariably supported against all his Adversaries.

When he sent the Sheekh's Letter to Ralph de Diceto, cannot perhaps at this Distance of Time, be exactly ascertained; but it was probably in the Year 1193, after he had returned from his Visit to the King at Vienna; it being highly necessary to vindicate the Character of his Sovereign and Friend, from being accessary to the Murder of the Marquis Montferrat, with which he was loudly charged in every Court of Europe. And it was the

* The Manner in which this Business is reported by Matthew of Westminster, renders it not less suspicious. After stating that Richard defended himself amply before the Emperor, refuting all the Charges against him, and particularly that concerning the Death of the Marquis, he adds, "Insuper misit imperialem legationem ad Veterem de Monte, rogans ipsum & assesinos suos, ut per eius epistolam supra "dicto crimine ei imposito suam purgarent innocentiam q. factum est anno sequenti."

An unbeliever in this History may well ask, Why should he send such an Embassy to Vetus de Monte? How did he know that the *Sheekh* had murdered the Marquis? And was it likely that if he had done so, he would confess it? Does not every Circumstance here strengthen the Suspicion that the Instrument in Question is an ill-contrived Forgery, which nothing but the Ignorance of the Times could have kept concealed? See Matthew West's Flores Historiorum, Franc. 1601. fol. p. 259.

more

more necessary to do it at this Time, when an immense Sum of Money, 100,000 Marks must be raised for the King's Ransom, from his already impoverished Subjects. It seems from the Bishop's Letter, that the Friendship of the Dean of St. Paul's was necessary on this Occasion, and hence those suspicious Words, *de cujus dilectione plenum habemus experimentum*, &c.; in which there appears an Air of Mystery, scarcely compatible with that Ingenuousness in which Truth ever delights to appear in Historic Detail.

Bromton has increased the Absurdity and Improbability of the whole Business, by causing *Vetus de Monte* to conclude his Letter with *Anno ab Alexandro Papa quinto!* for who can suppose that the Mohammedan Sheekh would date his Proceedings by the Succession of the Roman Pontiffs, instead of the Era of the *Seleucidæ*, or the Years of the *Hijreh?* Indeed we could scarcely expect him to acknowledge the former; though this is a possible Case; but the latter is uniformly employed by almost every Mohammedan. This most gross Blunder, Rymer has copied, because he has copied Bromton; but the Error is too palpable to have proceeded from the able and dexterous Longchamp, for the Copy which he sent to Ralph de Diceto is dated Anno ab Alexandro M. & D. & V. millesimo quingentesimo quinto: this restores the Passage to Probability, for as the Æra of Alexander, which is the same with that of the Seleucidæ, commenced An. ante Christ. 312, by adding this to the Year 1193, the Year in which Richard was in Prison at Vienna, we have the Sum 1505, the Date of the best Copies of this suspicious Letter; for all Circumstances of Time, Place, Person, Dates, and internal Evidence, taken together, leave it scarcely any Pretensions to Credibility.

The Date of this Letter in the *Fœdera* puzzled Mr. Rapin, and would have induced him to consider the Letter as a Forgery, had he not thought that Vetus de Monte was a Christian! His Words are, "Si La Montagne n'étoit "pas Chrétien, comme tous les Auteurs en conviennent, la Date de cette Lettre, L'an 5 du Pontificat d'Alexandre, "peut faire soupçonner qu'elle est supposée."—Abregé Historique, p. 17. But were even the Conversion of Vetus de Monte a Fact, which it is not, the Date itself would prove the Letter a Forgery; for Pope Alexander died in 1181, Eight Years before Richard went to the Holy Land; and there was no other Pope of that Name till near Fourscore Years after.

If, however, this Letter should be deemed of sufficient Importance to have a Place in the *Fœdera*, the other from Vetus de Monte to all the Princes and Christians of Europe, should also be inserted, as it is certainly of equal Importance and Authority with the preceding.

Whatever may be thought of the Authenticity of these Letters, the following Points are, I hope, sufficiently proved, viz.:—1. That Mr. Rymer inserted a Variety of Instruments in the *Fœdera*, which had been printed in different Works long before his Time. 2. That if he had possessed the Originals of such curious and important Articles, he surely would have quoted his Authorities, and referred to the Places where deposited; for this he has done in a great Variety of Cases of much less Consequence. 3. That the Instruments examined in the preceding Pages were, in all Probability, taken from the printed Works already specified. 4. Hence may we not safely infer, that he had not those Originals, and that he copied the Instruments as stated above.—If His Majesty's Commissioners wish the Subject to be further examined, I shall endeavour to do it to the best of my Judgment, either as a separate Work, or as Occasion may offer.

I submit also to their Determination, whether a Copy of the *Fœdera* should not be provided for the Use of the Royal Record Commission, in the Margin of which such References as the above might be inserted, with all such Corrections as may be justified by a Re-inspection of the Originals.

As some of the Questions of the Right Honourable the Commissioners appear to imply a Doubt, whether any Instruments already printed, no Matter how remote the Time or scarce the Work, should be admitted into the Supplement to Rymer, I feel it necessary to request Direction on this Point. At the same Time, with perfect Deference to their Judgment, I beg Leave to state, 1. That as the Character of the *Fœdera* has long been fixed as containing every Species of State Papers, relative to the Domestic and Foreign Transactions of the Kings, &c. of England, all such Instruments should be found in that Work. 2. That as the Originals of many of those Instruments found in our ancient Writers, have been lost, or have perished through the Injuries of Time, the Copies still remaining should be carefully collected, and thus a grand Aggregate formed from those in Rymer, those now collecting for a Supplement, and those, the Copies only of which remain in our ancient Historians and Annalists.

I may venture to state, that scarcely one Person out of a Hundred shall be found, who having occasion to consult the *Fœdera*, if he find not the Satisfaction he expected, will think of having Recourse to any other Work to supply this Defect; for where should the Object of his Search be found but in the *Fœdera?* There, however, he finds it not, and can scarcely suppose it exists elsewhere. Yet we have seen that such Instruments may be successfully sought in other Places; and found even in certain early printed and now scarce and valuable Works: On these very Accounts such Works may be considered as nearly inaccessible to Nine-tenths of those who may wish to consult them. And, were they even at hand, how much Time must be consumed in searching for these

APPENDIX, (I.)

insulated Fragments, through a great Number of heterogeneous Volumes. But several of these are not to be met with, even in some of the most extensive Public Libraries.

Plan for Supplement and Continuation.

The Right Honourable The Commissioners can alone determine whether a complete Collection of those ancient and important Monuments, brought into One Work, and arranged under Subjects of their own Denomination, would not be of essential Service to Statesmen, Divines, Historians, and Antiquaries? Whether an ample Collection also of Ecclesiastical Charters, to complete and correct the Monasticon Anglicanum, would not also be an Object, not only of literary but of national Importance? But such Works are never likely to be undertaken, but by Order, and at the Expence of Government; nor is it probable that it will be done even in this way, unless under the Direction and Auspices of "The Right Honourable His Majesty's Commissioners on the Public Records of the Kingdom."

A. CLARKE.

Jan. 31st, 1810.

AT a BOARD of The Commissioners appointed by HIS MAJESTY on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Saturday the 24th Day of March 1810;

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.
The Right Honourable Lord FREDERICK CAMPBELL.
The Right Honourable SYLVESTER Lord GLENBERVIE.
The Right Reverend JOHN Lord Bishop of LONDON.
The Right Honourable SIR WILLIAM GRANT, Master of the Rolls.
The Right Honourable ARCHIBALD COLQUHOUN, Lord Advocate of Scotland.

Resumed the Consideration of Dr. Clarke's several Reports relative to this Work; and the Board being of Opinion that this Work will be best executed by a Consolidation of all the old and new Materials in a Chronological Series, with Indexes analytical and alphabetical, according to the Plan laid down in the said Reports;

ORDERED, That Dr. Clarke do forthwith prepare Materials for a First Volume of a New Edition of Rymer, according to the said Plan; and that when the same shall be collected and arranged, with a descriptive Table of its Contents, the entire Manuscript be submitted to The Commissioners, for Examination by them before it is committed to the Press; and that Dr. Clarke be also desired to propose a Plan for carrying on the Continuation concurrently.

Fourth Report on Rymer's Fœdera.

Proceedings towards collecting Materials for the New Edition of Rymer's *Fœdera.*

§ 1.

Having received final Instructions from the Board of the Right Honourable His Majesty's Commissioners on the Public Records of the Kingdom, bearing Date March 24th 1810, relative to the Plan on which the Collections should be formed for a New Edition of Rymer's *Fœdera*, I proceeded immediately to examine all my preceding Collections, and to separate from them, 1st, All Instruments merely Ecclesiastical; 2dly, All such as were not of the same Description with those already printed in the *Fœdera*; and 3dly, All those in which Great Britain was not immediately concerned. When the Separation was made, and the Papers proper for the Work laid aside, I was obliged to have them all uniformly transcribed afresh, that they might be the more properly adapted to their Places in the intended new Edition; many of them having been so incorporated with others, which His Majesty's Commissioners gave Directions to omit, that re-transcribing was the only Method which could be safely pursued, in order to prevent Confusion and Mistakes.

As the Commissioners gave Directions that "Materials should be prepared for a First Volume of the New "Edition of Rymer," (Order 24th March 1810), this Work was accordingly commenced; and having unbound the First Volume of the *Fœdera*, I purposed to insert, in their proper Places, all the new Materials already collected: and having ascertained, as nearly as possible, the Quantum of the printed Work, which, with the new Materials already

Plan for Supplement and Continuation.

already collected, and in course of being collected, might probably constitute a First Volume, my Assistants and self proceeded to examine all the Indexes and Catalogues within our Reach, relative to the Reigns, included in the Time comprehended in this First Volume.

We had not proceeded far in this Work, when it was found, that much Time must be necessarily consumed, if Searches for Materials for each Volume should be carried on in this way; because, while seeking for Materials for a First Volume, under one Reign, we often found, that the same MS.. or Collection of State Papers, Royal Letters, &c. contained Instruments under several Reigns; and that the Collection must be returned, called for, and examined as many Times as it contained Instruments under different Reigns. It was, therefore, judged necessary to select once for all, every Instrument proper for the Work, that occurred in any MS. or Collection from the Reign of William the Conqueror to the Restoration. This, in course, prevented Accumulations for one Volume exclusively, while it was providing Materials for the perfecting of different Parts of the whole Work.

As in those Searches which had been restricted to the Supply of the first hundred Years of the *Fœdera*, (according to a Synopsis submitted to His Majesty's Commissioners, at the Commencement of this Undertaking), much Time had been lost, because the same Collections in the Cottonian and other Libraries, had to be re-examined for Instruments under succeeding Reigns, it was thought best to begin with the COTTONIAN LIBRARY, and examine every MS. and Extract, every Article it contained, proper for the new Edition, from the Conquest to Charles II., the Cottonian Collections coming no lower.

This has been accordingly done; and the Whole of this extensive Library has been examined; and whatever appeared to be of Importance has been transcribed; so that scarcely any Thing has been omitted, that falls under the Descriptions of any Department in the *Fœdera*. In this Examination, and in copying the various Instruments which presented themselves for the Use of the Work, Mr. Holbrooke spent Five Months; and in collating his Extracts with the Originals, he and I spent between Four and Five Weeks.

As soon as this Work was finished, we began the HARLEIAN COLLECTION, and are now going regularly through it, on the same Plan; and about 200 Volumes of it have been examined, and the proper Selections made. But this Library, when compared with the other, is a barren Desert, affording, so far as yet examined, little of Importance for such a Work, except what it has transcribed from the Cottonian, and which, in passing through that Library, we have extracted from the Originals.

While Mr. Holbrooke was employed on the above Work, J. W. Clarke was engaged in extracting from the English and Norman Writers those Articles which in my Examination of those Historians, I had selected, as proper to supply Defects in the *Fœdera*; and concerning which, in a former Report, I had taken the Liberty to consult His Majesty's Commissioners, in which, I proved that Mr. Rymer, in the earlier Part of his Work had recourse to these Writers for some valuable Documents which are found in the *Fœdera*. From a Multitude of Articles which I had marked in the Course of my Reading, a very cautious Selection has been made of such Regal Acts, Letters, and Papal Bulls, as seemed necessary to complete the Plan, and cast Light upon important Facts in English History.

When this Selection was finished, we began to extract all the important Articles in the *Collectanea* of Rymer, that came within the restricted Compass prescribed by His Majesty's Commissioners, viz. omitting all Papers merely ecclesiastical, &c. &c. as mentioned above. Extracts have been made down to the 15th of Edward III. through all the preceding Reigns successively, contained in the First 12 Vols., and the Work is in progress, on the same Plan. The Whole of the 59 Vols. of this Collectanea, shall be as carefully sifted as those in the Cotton Library, and nothing left on the Subject of the *Fœdera*, worthy of the Attention of any future Collector.

In my Second Report (13 May 1809), I had ventured an Opinion that "Mr. Rymer had made these Collections "after a principal Part of his Work had been published;" but, as this has been doubted by others, I think it of some Importance to state the Reasons which led me to form this Opinion, of the Validity of which His Majesty's Commissioners will judge.

This Collection appears to be composed of Two Descriptions of Instruments, 1. Those collected in the Course of his Searches for the Materials of his printed Vols., and which, as not falling in with his Plan of printing Regal Acts only, he seems to have thrown aside. 2. Those which he met with in Searches subsequent to the Periods in which, in strict Chronological Arrangement, they belonged: these consequently he could not publish, because he had already passed over that Time, and printed his previous Collections. The First Opinion, I am led to form from this Circumstance: that Mr. Rymer seems to have restricted himself especially in the early Vols. of his Work, to print Regal Acts only, and, therefore, threw aside all such Papers as fell under the 2d Part of Mr. Harley's Plan. And the Second Opinion, I ground on the Evidence afforded by these Collections themselves:—they contain several Instruments of equal, some of superior Importance to many of those printed in the *Fœdera*: and I think, I may take it for granted, that had Mr. Rymer met with these in his first Searches, before he had printed his Collections

Appendix, (I.)

Plan for Supplement and Continuation.

lections for that Period, to which they belong, he could not have passed them by; but, as they have been passed by, I presume they were the Fruits of subsequent Researches, and were not, as some have conjectured, thrown aside by himself, as judging them of no Importance; a sufficient Argument against such a Conjecture, being, in my Opinion, furnished by the Importance and Utility of several of these Documents.

While on this Part of the Subject, I think it necessary to notice a few Circumstances relative to these Collections.

1. A great Number of them are not referred to the Sources whence they were derived. This has afforded us no small Vexation and Trouble, not knowing where to look for the Originals; however, we have been happy enough to discover several, and in collating what was copied, we compared the Copies with the Originals.

2. Many Papers in the Collectanea, have been copied from the Originals with such reprehensible Carelessness, as greatly to impair their Authority: and some are so corrupted, that even conjectural Criticism, cannot restore them to common Sense and Consistency. After labouring much on several of these, of great Importance had they been correct, the Originals of which we could not discover, we have been obliged to throw them aside as utterly incurable.

3. The Papers in this Collection are generally denominated, The unedited Papers of Rymer; and in Mr. Ayscough's Catalogue, p. 235, without making any Distinction, he says, "This Collection is not printed in the "*Fœdera.*" This Statement, however, is not altogether correct, as several of these Papers are printed in the *Fœdera*; and this Fact we did not learn Time enough to prevent us from copying several. When I first entered on this Work, I considered it as a Point which admitted of no Dispute, that whatever I met with in those 59 Volumes of Importance for the Work, I might safely copy without further Examination, supposing that none of them had ever been published. This Fact, that several of them have been published, should be generally known, and should be noted in the Catalogues of this Collection, to prevent Persons from being deceived, who may suppose, from the general Opinion concerning these Volumes, that they are enriching their Collections with Materials with which the Public has never yet been favoured. On the whole, though this Collection is valuable, and Bishop Lowth, in his Life of William Wykeham, speaks of it in Terms of high Commendation, yet actual Experience has convinced me, that it is of much less Importance than has been generally supposed.

When the Examination of these Volumes is completed, I purpose to take in Hand the Whole of the Maddox Collections, and all others in the Museum, in the same way as the preceding; several of these afford not only Transcripts of some valuable Documents, but also Notices of others, and the Repositories in which they may be found, which will be of considerable Service for the farther perfecting of the Plan of the *Fœdera*.

To the Completion of this Plan, several of the Extracts from the ancient English and Norman Historians have not a little contributed, particularly relative to the Contests between Henry II. and Thomas à Becket, and the consequent Transactions; important Facts in our History, on which the *Fœdera* casts but little Light.

The same might be said of the Collections made from the Original Letters, &c. between Queen Elizabeth and Mary Queen of Scots, which will be found of great Use in correcting most of the Histories of those Times. On the Transactions of this Period also, the *Fœdera*, through what Cause I know not, is almost totally silent. Should it be said, that these Letters, &c. may be found in the Four Quarto Volumes of Anderson's Collections, on this I beg Leave to observe, that scarcely any Dependance can be placed on this Publication. Anderson evidently could not read the Originals, or he employed Persons to copy them who were perfectly unqualified for the Task: We have collated only Three Letters in this Publication with the Originals; in one, a very short one, we found Twenty, in the Second Fourscore, and in the Third nearly One hundred Errors, several of which are excessively gross! Out of the Multitude of original Documents preserved in Caligula C. I. relative to this Subject, only such have been selected for the present Work as appear to be indispensably necessary.

Collections also have been made at the Chapel of the Rolls for the Continuation of the *Fœdera*, according to the Specifications in Mr. Kipling's Catalogue; and while on this Subject, I must request His Majesty's Commissioners to inform me, whether important or any Instruments under the Protectorate, shall form a Part of the *Fœdera?* This Question, as far I know, has never yet been determined; and it is necessary to determine it now, that if none such is to be admitted, no more Time may be lost in collecting and transcribing under that Period.

§. 2.

In the Essay or First Report on Rymer's *Fœdera*, which I had the Honour to lay before His Majesty's Commissioners, in comparing the English and Dutch Editions, I noticed the Tract added to the latter, entitled, *De l'Etat, & Gouvernement du Royaume d'Angleterre, &c. faict par un Gentilhomme Ambassadeur en France, pour sa Majesté apres (aupres) le Roi Charles IX. de ce nom,* said "to have been presented by the late Prince of Condé to the Count "de Bethune, ce Manuscrit a été donné par feu Monseigneur le Prince de Condé à M. le Comte de Bethune." On this Subject, I took the Liberty to remark, "that this Piece was out of its Place in the *Fœdera*, unless it could be considered as a State Paper, written by Royal Authority," adding, "that the Subject deserved to be more carefully "examined."

As

As the Time is now come, in which the Materials for the New Edition of the *Fœdera* should be ascertained, it is necessary to have the Decision of His Majesty's Commissioners on this Point. In order to save them the Trouble of examining this Subject, judging it to be a Matter of some Importance, I have directed my Attention particularly to it, and think myself justified in drawing the following Conclusions:

1. The Gentleman who was Ambassador in France, mentioned in the above Tract, must have been Sir Thomas Smith, who was Principal Secretary of State in the 1st of Eliz. 1599, and was One of the Commissioners, appointed by Her Majesty, to revive the Liturgy of the Church of England, in the same Year. He was afterwards appointed Ambassador to the Court of Charles IX. and in that Capacity, with Sir Nicholas Throckmorton, signed the Peace of Troyes, April 12, 1654. Rymer, Vol. XV. p. 148.

2. That the MS. in question, afterwards printed in the Dutch Edition of the *Fœdera*, was the Work of Sir Thomas Smith, is sufficiently evident from this Circumstance, that it is precisely the same with the well known Work of this Statesman, entitled, "The Common Wealth of England," which has gone through several Editions both at Home and Abroad, in Latin and English. The First Edition in Latin appears to have been printed in 1583, 4to. The First in English in 1631, 12°. I have compared this small Tract with that printed in the Dutch Edition of the *Fœdera*, Chapter with Chapter, and find them to be exactly the same Work, in different Languages.

The Editor of the English Edition, whose Name I have not yet been able to find, intimates, that previously to his Time, for he seems to have known nothing of the preceding Latin Editions, this Work had only existed in MS. and that being frequently copied, many passages had been corrupted: and he makes an Apology "for some "Terms and Matters that may seem to dissent from the usual Phrase of the Common Law." 1st. Because "the "Maker was principally in the Profession of the Civill Lawes;" and 2dly, Because "the finishing of this Worke "was in France, fare from his Library, and in Embassage, even in the midst of waightie affaires." Preface to the Reader, pp. 2, 3. Edit. 1640.

The Conclusion of this Work, which seems to have been directed to some Person of Note, though not named, is very remarkable; a short Extract of which, I shall beg Leave to subjoin. "I have declared summarily, as it "were in a Chart or Map, or as Aristotle termeth it ὡς ἐν τύπῳ, the Forme and Manner of Government of "England, and the Policy thereof; and set before your Eyes, the principal Points wherein it doth differ from "the Policie and Government at this Time used in France, Italy, Spaine, Germany, and all other Countries which "doe follow the Civill Law of the Romanes; compiled by Justinian into his Pandects and Code: nor in that Sort "as Plato made his Commonwealth, or Xenophon his Kingdom of Persia, nor as Sir Thomas More his Utopia, "being fained Commonwealths, such never were, or shall be; vaine Imaginations, Fantasies of Philosophers, to "occupy the Time, and to exercise their Wits; but as England standeth, and is governed at this Day, the Eight "and twenty of March, Anno 1565, in the Seventh Year of the Reign and Administration thereof, by the "most religious, vertuous, and noble Queene Elizabeth, Daughter to King Henry the Eight; and in the One and "fiftieth Year of mine Age, when I was Embassador for Her Majesty in the Court of France, the Sceptre whereof at "that Time, the Noble Prince of great Hope, Charles Maximilian, did hold, having reigned Foure Yeeres." p. 270.

I believe, with the Editor of the English Work, that this Tract was written in France, as the Language of the French Copy is bad enough for the Time of Charles IX.; and were it not so, I should be led to suspect that the Dutch Editor of the *Fœdera* had translated one of the early Latin Editions into French, as he has done with all the English Papers in the *Fœdera*; which, though he has preserved in their own Language as he found them, yet has translated into French in the opposite Column. It is certain he could not have taken his Work from any of the English Editions, as even the first of them contains Additions not found in the French Work.

Whether this Work was written first in Latin, French, or English, I cannot absolutely say; but I am inclined to think that it was written originally in French, for a Reason which I shall shortly assign.

In the Title of all the Latin and English Editions from 1589, a Clause to this Effect is found, "With new "Additions of the Chief Courts in England, and the Officers thereof, by the said Authour." The first Notice I find of these Additions is in the 4to Copy of 1589, which was the Third Latin Edition, and was not printed till Twelve Years after Sir Thomas Smith's Death, for he died in 1577. These Additions are in the Fourteenth and Fifteenth Chapters of the Second Book, the former of which is entitled, "Of the Court of King's Bench;" the latter, "Of the Court of Common Pleas;" and form Nine tenths of those Chapters. This Clause is found in the French Title in the *Fœdera*; and yet the Additions to which it refers are not found in the Work! Supposing the French to be the Original of this Work, it would not include these Additions, because they are not found in the Latin Editions, which were the first. The Dutch Editor, therefore, had seen some of the Editions posterior to 1589, and copied his Title from them.

But, it may be asked, How did this Paper, written by the English Ambassador, get into the Hands of the Prince of Condé, by whom it is said to have been delivered to the Count de Bethune? Perhaps we may get an Answer to this Question by considering the following Circumstances: In 1562, Queen Elizabeth wishing to

Appendix, (I.)

Plan for Supplement and Continuation.

assist the French Protestants (then headed by the Prince of Condé and the Admiral De Coligni) against the Duke of Guise, seized on Havre de Grace, to make a Diversion in Favour of the Hugonots. The Queen Mother, Catharine of Arragon, incited by the Cardinal de Lorraine, caused a Declaration of War to be published in Paris against the English Queen, and proceeded so far as to seize the Person and Papers of Sir Thomas Smith's Courier, then at Boulogne.

If the Treatise in question were then written, and Sir Thomas Smith says, he wrote it "when he was Ambas-"sador for Her Majesty at the Court of France," this Circumstance may account for its being found in France; for it might have been detained by the French Government, from the Supposition, that it was the Recommendation of a new Constitution for the Empire, put into the Hands of its factious Subjects. But, it is more likely, that Sir Thomas Smith wrote the Tract for the Use of the Prince of Condé, and perhaps by Order of his Royal Mistress, not only to afford the Prince a full and comprehensive View of the Excellence of the British Constitution; but to furnish him with a perfect Model, according to which, should he be ultimately successful, he might mould one for a Protestant kingdom in France. And, had the English Court, at that Time, followed the Advice of Sir Thomas Smith, and Sir Nicholas Throckmorton, and seized on Calais, which might have been easily done, and carried on the War with Spirit against the Guises, the Formation of such a Government in France was far from being problematical. But, as this was not done, the Proteſtant interest declined for want of prompt and effectual Support; and the horrible Massacre of St. Bartholemew, a few Years after, might be, in some Measure, attributed to the Indecision of the English Court, and particularly to the Queen herself; who to the Surprise of all her Friends, and her beſt Historians, obstinately refused to avail herself of Advantages, which Divine Providence had then evidently placed in her Hands.

I have thus endeavoured to trace out the Origin and History of this curious Tract, that His Majesty's Commissioners may be the better enabled to judge of its Importance in the present Queſtion, and to determine whether it should occupy a Place in the New Edition of the *Fœdera*, now preparing under their Direction. It is evidently not a State Paper, though drawn up by an eminent Statesman, during the Time in which he was in the most confidential Employment; and probably intended to serve the most important State Purposes.

I might add, that this Tract of Sir Thomas Smith, though of very great Importance, as a very judicious and truly accurate Work, is but little known in the Nation at present, though formerly of high Repute. If, however, His Majesty's Commissioners should determine that it shall not occupy a Place in the Body of the *Fœdera*, I submit to their Consideration, whether it, or something on the same Plan, might not be proper, as an Introduction to the Work.

§ 3.

It is also necessary to have the Advice of His Majesty's Commissioners, relative to other Matters inserted in the Dutch Edition, particularly the Addition entitled "Epistolæ Mariæ Reginæ Angliæ, ad extraneos Principes & "Republicas. ab anno 1554, ad annum 1558, desumptæ ex Manuscripto originali in Bibliotheca Ducis Kentiæ." This Collection is found in Part IV. Vol. IX. of this Edition. If these are to be received, they must be extracted, and referred to their respective Places among the other Materials which constitute the Work.

While I take it for granted, that all the original Plates which have adorned the different Editions of the *Fœdera*, must be re-engraved, I submit to His Majesty's Commissioners whether a few others might not be added; viz. for the First Vol.

1. A Fac Simile of the curious Account "De Navibus per Magnates Normanniæ provisis, pro passagio Ducis "Willielmi in Angliam." The Original is in the Bodleian Library, and is evidently a MS. of that Time, the Transactions of which it relates.

2. The Charter of Battle Abbey, the very curious Original of which is in the Cotton Library.

3. If the Articuli, the Foundation of Magna Charta, the Original of which is also in the British Museum, should be admitted in the New Edition, the Fac Simile of that Instrument might be added. But on this Subject I shall crave the Liberty occasionally to consult His Majesty's Commissioners, and shall do nothing but by their positive Orders.

The Plates in the First Volume of the *Fœdera*, which I suppose should be re-engraved, are the following:

Plate I. A Fac Simile of the three first Lines of the Cyrograph, containing the Convention between Henry I. and Robert Earl of Flanders, dated xvi. Kal. June 1001.

Plate II. Do. of the Three first Lines of the Convention between Henry II. and Theodoric Earl of Flanders, dated xiv. Kal. April 1163. This is also a Cyrograph.

Plate III. Do. of the Convention between Ric. I. and Baldwin Earl of Flanders, A. D. 1197; also a Cyrograph. NB. These Three Fac Similes are engraved on one Plate, about 18½ Inches long, by seven inches broad, and may be re-engraved in the same Way.

Plate

Plate IV. The Bull of Pope Innocent II. to Norman the Prior, taking Christ's Church Aldgate under his Protection, A. D. 1137. This contains only the firſt Two Lines of the Bull, the last, the Signatures and the Seal.

Plate V. A Bull of Pope Eugenius to William, Prior of the Monastery of St. Giles', &c. dated 3d Kal. Apr. A. D. 1148. This contains only the Three first Lines, the last, and all the Signatures. Rymer has not printed either the Signatures, or the Date in the *Fœdera*.

Plate VI. The Bull of Pope Honorius to Alexander King of Scotto, dated xj. Kal. of Dec. A. D. 1218. This contains only the first and last Line, and the Signatures. The Signatures, Date, &c. are not printed in the *Fœdera*.

Plate VII. A complete Fac Simile of the Instrument by which Alfonsus, King of Castile, cedes to Prince Edward, eldest Son of Henry III. all his Possessions in Gascony, A. D. 1254. Nothing but the mere Body of this Instrument is printed in the *Fœdera*, and the Plate referred to for the Signatures, Seal, &c.; but this is very improper, as Plates are frequently destroyed or lost, and then all Reference is useless. The printed Part of this, as it stands in the *Fœdera* cannot be considered of any Authority, being without the Signatures, &c. &c. The Signatures in this, and the preceding Instruments, must be inserted in the New Edition.

March 12, 1811. A. CLARKE.

AT a BOARD of The Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of The Right Honourable the Speaker of the House of Commons, on Monday 25 March 1811.

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.
The Right Honourable Sir WILLIAM GRANT, Maſter of the Rolls.
The Right Honourable Lord FREDERICK CAMPBELL.
The Right Honourable JOHN Lord REDESDALE.
The Right Honourable SYLVESTER Lord GLENBERVIE.
The Right Honourable JOHN Lord Bishop of London.
The Right Honourable CHARLES BATHURST.

ORDERED, That Dr. Clarke do use his best Exertions in completing a List of the proposed Contents of his First Volume of the New *Fœdera*, with a separate Enumeration of the new Articles proposed to be inserted therein.

The several Instruments are to be printed in their original Language only, and no Translations.

As to Queen Mary's Letters, he is to ascertain their Authenticity, and the Place where the Originals are deposited; and, for this Purpose he is to enquire at the State Paper Office, &c. If they are found to be admissible into the Body of the Work, then they are to be incorporated into their Chronological Order.

The Instruments during the Protectorate are to be included in the Course of the Work, and the French Treatise on State and Government is to be omitted.

AT a BOARD of The Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the Houſe of The Right Honourable the Speaker of the House of Commons, on Monday 23 March 1812.

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.
The Right Honourable Sir WILLIAM GRANT, Master of the Rolls.
The Right Honourable Lord FREDERICK CAMPBELL.
The Right Honourable JOHN Lord REDESDALE.
The Right Honourable SYLVESTER Lord GLENBERVIE.
The Right Honourable JOHN Lord Bishop of London.
The Right Honourable CHARLES BATHURST.

The Secretary having laid before the Board a List of new Articles proposed to be made in the New Edition of Rymer's *Fœdera*, together with Specimens of the different Modes of printing this Work;

ORDERED, That the Specimens recommended by Dr. Clarke as an Improvement upon the Dutch Edition, and containing a larger Quantity of the same sized Letter-press in each Page, be adopted.

Appendix (K. 1.)

APPENDIX, (K. 1.)

Abbreviatio Placitorum. Ric. I. Edw. II.

Account of the Publication intitled Abbreviatio Placitorum in Domo Capitulari Westmonast. Asservatorum Temp. Regum Ric. I. Joh. Hen. III. & Edw. I, II.

THE Work was printed under the immediate Direction, Superintendance, and Revision of the Right Honourable George Rose, Keeper of the Records in the Treasury of the Court of the Receipt of the Exchequer, preserved in the Chapter House of the Abbey of Westminster, from several Volumes of Abstracts of Pleadings during the Reigns of Kings Richard the First, John, Henry the Third, Edward the First, and Edward the Second, made by Mr. Arthur Agard, and other Keepers of such Records during the Reign of Queen Elizabeth.

From the Commencement of these Pleadings in the Reign of Richard the First, to the End of the Reign of King John, the Abstract has been framed for the most part from Rolls of the Curia Regis: But as it is difficult to decide now, when the Proceedings in the Curia Regis finished, and the component Branches of that Court became distinct and permanently severed, the whole of the Work has, therefore, been printed under the Title of "PLACITORUM ABBREVIATIO." During the Reigns of Edward the First and Second, far the greater Part of the Abstract is collected from Rolls of Pleadings in the King's Bench; there are, however, numerous Pleadings under the following mixed Titles, viz.

"Placita coram Domino Rege in Parliamento suo apud Westminster," p. 321.
"Placita coram Domino Rege & Consilio suo," pp. 186, 262, 277.
"Placita coram Concilio Domini Regis," pp. 118, 119, 129, 137, 185, 186, 264, and 277.
"Placita coram Domino Rege et locum suum tenentibus," pp. 271, 274, 275.
"Placita coram Domino Rege vel locum ejus tenentibus," p. 274.
"Placita coram locum tenentibus Domini Regis," pp. 242, 262, 274, 279, 279, 280, 281.
"Placita coram Domina Regina & Concilio Domini Regis," p. 128.
"Placita coram Archiepiscopo Ebor' & Concilio Domini Regis," pp. 118, 119.
"Placita coram H. le Bygod, Justiciar' Anglie," pp. 146, 149.
"Placita Exercitus Regis," pp. 300, 301.

Besides the above, the Abstract contains Pleadings during the Reigns of Henry the Third and Edward the First, before the Justices Itinerant, pp. 36, 39, 41, 43, 63, 70, 71, 115, 120, 122, 125, 126, 143, 144, 152, 153, and 154; and also before the Justices of Assize, pp. 34, 64, 68, 103, 127, 128, 145, 153, 159.

Throughout the whole much important Matter will be found, relating to Petitions of Right, and to the Parliament and the Concilium Regis; and frequent References from each of them to the King's Bench, and again from that Court to the Parliament, viz.

Petitions and Proceedings in Parliament occur in pp. 235, 241, 247, 248, 251, 254, 324, 335.

Petitions sent to the Justices of the King's Bench, to be there enrolled, pp. 241, 324, 328, 335.

Pleadings before the King, and before the King and his Council, adjourned into Parliament, pp. 211, 253, 255, 264, 289, and 290.

Pleadings also from the King's Bench remitted to Parliament, and by the Parliament again sent to that Court to be determined, pp. 253, 255, 256, and 258.

Proceedings in Error, from the King's Bench to the Parliament, will be met with in pp. 211, 249, 344, & passim.

The

Placita coram Rege apud Westmonasterium de Mense Sancte.

Prior de Ely

Prior de Ely venit per Radulfum filium suum ad attornatum suum versus Willelmum de Langetoft' de placito quod reddat ei quietum clamorem de libero tenemento suo in Langetoft' unde idem Willelmus ei deforciat. Et unde queritur quod cum ipse et predecessores sui a tempore quo non extat memoria hominum habuerunt et habere debuerunt quietum clamorem de omnibus terris et tenementis suis in Langetoft' et de omnibus rebus ad eadem tenementa pertinentibus, predictus Willelmus ei predictum quietum clamorem de libero tenemento suo in Langetoft' unde placitum est inter eos in curia domini Regis apud Eboracum coram Willelmo de Ros et sociis suis justiciariis domini Regis ad assisas capiendas in comitatu Eboracensi assignatis, videlicet in octabis Sancti Hilarii anno regni domini Regis nunc quinquagesimo primo, deforciat ei. Et predictus Prior per Radulfum filium suum attornatum suum venit et dicit quod

Memorand eodem conſilio [illegible] die [illegible] anno regni [illegible] primo.

Hunc de [illegible]

Hunmanton Precaptum fuit vic quod venire faceret eodem die de Shiplake & Sheap sine quor[illegible] electo diſtringendo &c. Ad quem diem venerunt & [illegible] fuerunt [illegible] & [illegible] & [illegible] &

f. 21 Hen. 3.
rot. 11.

Quam d Willa Lupa vicecom fines ad respondend. Wm. de Clarehull Quarer & Richard Epo quare ipm Licenciam ipius Epi primitus & maritari cum ipius maritagio ad ipm pertinen eo q̃d Adam de Villa Lupa pat ipius Adam filia tenuit de Radulfo Fitznel p seruic militare. cui vie & hered eiusdem Adam Epus hic ex Recognicione Curie hic. Et cum ipsem Epus dicat q̃d ex eo q̃d ipsem Adam primitus & maritari sibi licenciam ipius: dampnum hic ad Valens Decem marc. Et inde p̃cipit finem.

Et Quam Xpian & regginam q̃d maritagium ipius pertinet ad predictum Epum racione predicta. Et ipsi agnoscunt q̃d sibi licenciam ipius primitus & maritari. Et inde pon se in manu ipius Epi. Et Radulfus cui dies datus est ad audiendum hoc cum Fratribus suis Abbatibus &c de Oseneia & Omes. Fidelibus Dei Epi & remisit preceptum Vic. xl. marc de predicto Debito, quas ibid eum distringeret. Et p hac remissione ipsem Adam concessit q̃d predictus Epus teneat totum tenem quem ipsem Epus hic inde in manu sua pro predicto Adam sine plene enarr. quousq; ipse Epus magnum preceptum predictum. l. marc de tra ipi Adae.

f. 37 Hen. 3.
rot. 1.

Placita Coram Rege apud Oxoniam.

rot. 12. Sussex

Willus de Insula dedit fine ad respondend Dno Regi & Petro Extraneo suo solvend Decem libras ipse Petrus in Recompensacione dicti Regis & dicti mutui sue fidem inviolabiliter servand & super hoc Petrus Principalis & quidam alii cum eo plegii & de prisa dicte & fidei dicti Regis Egidius de Aldemerton Justic dicti Regis ad finem Judicandum ap Aldeham adjornata scilicet &c.
Et postea ad mandatum Regis &c.
Et Laur de Leppitt p Regem dicit quod hoc fieri non debet cum dictus Rex concessit iustic suis & compotum &c.
Et Willus venit & dicit quod ipse nichil debet nec unquam debuit Petro extraneo pro se quod Petrus fecit quod Liceat ei de mutuo petere de Rege quod Rex ei mutuavit post festum omnium Sanctorum anno Regni Regis Henrici xix. & de Willo de Aldeham predicto quod ipse ei reddat Decem libras quas ei mutuavit ad opus Regis sicut ipse recognovit
Et Petrus Extraneus venit & dicit quod predictus Willus debet ei predictas Decem libras quas ei mutuavit ad opus Regis sicut recognovit
Et Willus dicit quod ipse nichil debet nec unquam debuit predicto Petro extraneo pro quo Petrus fecit quod Liceat ei de mutuo petere de Rege quod Rex ei mutuavit post festum omnium Sanctorum anno Regni Regis Henrici xix. & de Willo de Aldeham predicto quod ipse ei reddat Decem libras quas ei mutuavit ad opus Regis sicut

The Expenses of Knights attending the Parliament, are noticed in pp. 332 and 334.

Petitions of Right addressed to the King, are in pp. 208, 228, 256, & passim.

And many Instances of their being sent to the Justices of the King's Bench to be determined, at pp. 258, 260, 261, 313.

Petitions to the King and his Council, delivered to the Judges of the King's Bench, that Justice might be there done to the Parties, pp. 302, 346.

In addition to Points of general Learning to be found herein, respecting the Parliament and the Concilium Regis, as they severally stood in relation to the Court of King's Bench; this Abstract furnishes much other interesting Matter in the Law, the History, and the Customs of the Country: Amongst the most material Heads, briefly noticed in the Index Rerum, the following may afford some Idea of the Nature and Utility of the Work, viz.

APPEALS of MURDER and other Felonies—ASSISE—ATTAINT.—Under these Heads much obsolete Law and many curious Customs are observable.

BRIDGES and SEWERS.—It will be seen, under this Title, who are, in many Instances, liable to the Repairs of Bridges and Sea Walls.

CHARTERS and GRANTS to Corporations; CONCORDS and FINES in real Actions, and DEEDS between Party and Party are enrolled, throughout the Rolls, from whence the Abstract is taken.

DAMAGES and COSTS.—Under this Title, it is observable, that the Judges formerly exercised considerable Discretion, in assessing the Amount of Damages without a Jury.

DICTUM de KENILWORTH.—The numerous Pleadings hereon, during the latter Part of the Reign of Henry the Third, and in the beginning of the Reign of Edward the First, throw considerable Light on the History of the turbulent Reign of the former Monarch.

ERROR.—Much curious Learning, relating to Cases of Error, from the Common Pleas, and from Ireland, to the King's Bench; and from the King's Bench to the Parliament, occur in many Parts of this Work.

FINES.—Numerous Decisions also occur as to the Doctrine on Fines.

GAVELKIND.—Under this Head considerable Information is to be met with, respecting this antient Tenure, and the Mode of converting it into Freehold.

HEIRS, and the Proofs of their Age, and Pedigrees.—These several Titles will be found serviceable to the Genealogist and Historian.

HISTORICAL FACTS, relating as well to the Rebellion and Insurrections under Simon de Mountford, the Despencers, Andrew de Harcla, Thomas Earl of Lancaster, and others; as also to the Battles of Lewes and Evesham, and the Incursions of the Scots into Durham and Yorkshire; with the Submission of John, King of Scotland, to Edward the First, are to be found under their various Heads in the Index.

HONOURS and BARONIES.—These Titles have been classed alphabetically, for the Purpose of more ready Reference.

JUDGMENTS.—The Reasons and Causes of Judgments, pronounced by the Courts, will be found, in Cases of Difficulty, to have been entered on Record.

JURISDICTION.—The Jurisdiction of the Ecclesiastical and other Inferior Courts is decided upon and ascertained.

JURIES.—It will be seen that Jurors were often required by the Court to state the Reason for their Verdict. Special Verdicts were not unfrequent: and under the Titles of Attaint and Certification of Assise, it will be also observed, that Verdicts were many Times called in question, reviewed, corrected, and set aside.

LIBERTIES and PRIVILEGES of Corporations, Towns, and Villages, are allowed and established.

LONDON.—The Customs of this City, and many Historical Facts relating to it, appear under that Head.

MEASURES of LAND.—The ancient Measures of Land, and their various Contents, are to be found under the Titles of—Carucata—Hide—Frodum Militis—and Pertica.

OBSOLETE WORDS.—Many obsolete Words and Law Terms are to be met with throughout the Work, with their several Interpretations.

PRACTICE.—The Rules observed in the Practice of the Courts, as well in Actions Real and Personal, as in other Instances, are arranged under that Head.

PREROGATIVE.—The Rights and Prerogatives of the Crown are in many Instances taken Notice of.

Appendix, (K. 1.)

Abbreviatio Placitorum. Ric. I. Edw. II.

PRIVILEGE of COURTS—and PUNISHMENTS for CONTEMPTS.—Of the strict Attention paid to the Maintenance of the Dignity and the Respect due to the King's Courts and His Judges, numerous Instances are to be found, in the severe and exemplary Punishment of Persons in Cases of Contempt; even the Prince of Wales, Son of Edward the First, did not escape Punishment and Censure for an Act of this Sort: he was banished by his Father from his Palace, upwards of Half a-Year; and was not allowed Access to his Presence, till he had made a suitable Atonement to one of the Judges for his violent Language towards him, p. 256. The Official of the Archdeacon of Norfolk was committed to the Tower of London, for executing Ecclesiastical Process in the Royal Palace at Westminster, 8 Ed. I. p. 321. And Henry Lord Beaumont was committed to the Custody of the Marshal, for refusing to give his Advice, and for contemptuous Demeanor in a Grand Council holden at York, p. 342.

QUO WARANTO.—Pleadings upon Writs of Quo Waranto were in common Use so early as the Tenth Year of Richard the First.

RECORDS of the KINGDOM.—During the turbulent Part of the Reign of Edward the Second, when Roger Mortimer and others were committed to the Tower; the Preservation and Arrangement of the Public Records were esteemed a Work of such national Importance, that all Impediment to the Persons employed under the then Special Commission, to arrange and calendar the Records, was expressly provided against, Rot. Claus' 16 Ed. 2. m. 19. d—and the Instrument constituting Stephen de Segrave Constable of the Tower, enjoins him not to hinder, or disturb, the King's Officers from entering the Tower, for the Purpose of surveying and arranging the Treasure, Rolls, and other Remembrances therein, as had theretofore been used and done. "Et le dit Mons' Estephene ne "destourbra ne empeschement ne mettra que les Ministers nostre dit Seignur le Roy ne p'ont entrer en le dite Tour "pur le Tresor Roulles & autres Remembrances en icele surveer & adrescer auxi come il ad este cea en arriere usez "& fait.' Mic. 17 Ed. 2. Rot. 37. p. 343.

STATUTES and ORDINANCES.—Many of these are recorded on the Rolls of the Court of King's Bench, together with the Writs directed to the Sheriffs of Counties to proclaim and enforce the Observance of them.

TRIAL by DOMESDAY.—In Cases respecting ancient Demesne, frequent References will be found to have been made to that venerable Record; wherein the Mode of Pleading it is set out in the Abstract.

TRIAL by DOMESDAY of CHESTER.—In the Archives of the Earl of Chester there formerly existed a Roll, denominated "The Domesday of Chester;" the Entries in this Roll were esteemed of high Authority, and perhaps conclusive Evidence: For in an Assize of Darrein Presentment in the County of Chester, A° 38 Hen. 3. between Roger de Sanbach and the Abbot of Deulacrese, as to the Church of Sanbach, removed by Certiorari into the King's Bench, the Court, amongst other Grounds for pronouncing their Judgement, give the following Reason: "Et "quia convictum est per Domesday Cestr' quod perpetuam habet firmitatem & omnia que in eo continentur "inperpetuum sunt stabilia in quo continentur quod, &c. consideratum est, &c." Hill 38 Hen. 3. Cestr' "Rot. 10. p. 1 ½.

TRIAL by the ROLL of WINTON.—Which existed so late as the Reign of King John; for in the First Year of that King's Reign, the Abbot of Saint Edmund in Suffolk, in a Plaint against John de Wechesham, for erecting a Gallows within the Abbot's Liberty, in setting out his Title to such Liberty from the Time of Edward the Confessor, concludes it with these Words; "Et preterea ponit se super Rotulum Wintonie," &c.

TRIAL by DUEL.—Many interesting particulars touching this Mode of Trial, in Criminal and in Civil Suits, are to be found herein.

TRIAL by ORDEAL.—This Species of Trial, by Fire and by Water, appears to have been in frequent Use so late as the Fifteenth Year of King John. Midd. & Kanc' Rot. 20. p. 90.

WRITS of RIGHT and other Real Actions.—There are many interesting Pleadings under these Heads, worthy the Attention of the Lawyer and the Antiquary.

A copious Index Rerum, prepared by me under the like Superintendence and Revision of the Right Honourable George Rose, has been added to the Work.

W. ILLINGWORTH,
Sub-Commissioner.

Record Office, Tower,
1st March 1811.

Exemplar Libri vocati Testa de Nevill.

Vol. I. p. 102.

Com̄ Norhēt.

Norhampton. Feoda militū tenentiū de dn̄o Rege in cap̄ et tenentiū de ipsis tenentibz de dn̄o Rege in capite et tenentiū de Wardis que sunt in manu dn̄i Reg̃ in Com̄ Norhēt. Preter scutag̃ eorū qui bria tulerunt de habend̄ scut̄ suis et preter feoda militum existentiū infra Galliam Abbis Burgi.

Feoda tenentiū in capite de dn̄o Rege.

Eustach de Watford tenet in Watford dimid feod.
Pitis de Lindon tenet unū feod in Eston in Com̄ Norhēt et Castr in Com̄ Rotelan et unū feod in Oudenho et Goeston in Com̄ Gedeford
Gilbs de Preston dimid feod in Greston p Cart̄ Rx ff. sicut
cōt in R. xij. Rx. E. fil. Rx. E. in Norhēt

Vol. II. p. 295.

Com̄ Norff.

Norff. Feoda militū in Com̄ Norff de quibz dn̄s Rex percipit scutagia cont̄ transfretacōem suam in Vastonia.

Feoda Wala filij Robt.

Henr de Ferreres quartā partem feodi milit in Ludhm de eode.
Egidius de Mumpinihun ij feoda milit in Liburg et Faringes de eode.
Mabilia et Basilia filie Phi de Faringes unū feod in Faringes et in Stilerde de eodem.
Robt Gaynard unū feod milit de eodem in Merton.
Ernaldus de Munteny unū feod milit in Sprouton Caton de eodem.
Robt Gaynard de Liston unū feod milit et dī in Liston de eode.
Fulco de Kerchestōn dī feod mil in Liston de eodem.
Henr de Grosvent et participes sui unū feod milit in Grosvent Berton et Tibehm de eodem.
Robt de Schegton et Clarita de Vitevell unū feod mil in Schegton de eodem.

Appendix (K. 2.)

Account of the Publication of the Exchequer Books called Testa de Nevill, Sive, Liber Feodorum, Temp. Hen. III. & Edw. I.

IN the King's Remembrancer's Office of the Court of Exchequer are preserved Two antient Books called the Testa de Nevill, or Liber Feodorum, which are described in the Return of Abel Moysey, Esq. Deputy King's Remembrancer, printed in the Reports from the Select Committee of the House of Commons, appointed to inquire into the State of the Public Records of the Kingdom, &c. Page 138, as containing "Nomina Villarum, "Serjeanties, and Knights Fees, in several Counties, taken by Inquisition temp. Hen. III. and Edward I.;" and it is there also observed, "that these Two Books contain the Compilations known by the Name of Testa de "Nevill;" and that in the Cover of each Book there is a Memorandum in an antient Hand, of which the following is a Copy; "Conténta pro Evidencijs habeantur hic in Scc'io et non pro Recordo."

These Books contain principally an Account,

1. Of Fees holden either immediately of the King, or of others who held of the King in Capite, and if alienated whether the Owners were enfeoffed ab antiquo, or de novo, as also Fees holden in Frankalmoigne, with the Values thereof respectively.
2. Of Serjeanties holden of the King, distinguishing such as were rented or alienated, with the Values of the same.
3. Of Widows and Heiresses of Tenants in Capite, whose Marriages were in the Gift of the King, with the Values of their Lands.
4. Of Churches in the Gift of the King, and in whose Hands they were.
5. Of Escheats, as well of the Lands of Normans as others, in whose Hands the same were, and by what Services holden.
6. Of the Amount of the Sums paid for Scutage and Aid, &c. by each Tenant.

THE Books appear to have been compiled near the Close of the Reign of Edward the Second, or the Commencement of that of Edward the Third, partly from Inquests taken on the Presentments of Jurors of Hundreds before the Justices itinerant, and partly from Inquisitions upon Writs awarded to the Sheriffs for collecting of Scutages, Aids, &c.

FROM what Circumstance they have obtained the Name of Testa de Nevill is not ascertained; there are however Two Persons, to either of whom they may be assignable, viz. Ralph de Nevill, an Accountant in the Exchequer and Collector of Aids in the Reign of Henry the Third, whose Name occurs in the Book p. 39, and Jollan de Nevill, a Justice itinerant, of the same Reign, who, as Dugdale in his Baronage, Vol. I. p. 228. supposes may have been the Author.

THE Entries which are specifically entitled "Testa de Nevill," are evidently Quotations, and form comparatively a very small Part of the Whole; they have in all Probability been copied from a Roll bearing that Name, a Part of which is still extant in the Chapter House at Westminster, consisting of Five small Membranes, containing Ten Counties; the Roll appears to be of the Age of Edward the First, and agrees verbatim with the Entries in these Books. An Index Locorum, divided into Counties, and also a General Alphabetical Index, are subjoined to the printed Volume.

JOHN CALEY,
W. ILLINGWORTH, } *Sub-Commissioners.*

Appendix (K. 3.)

Plan for Publication of the Hundred Rolls and Rolls of Quo Waranto.

Appendix, (K. 3.)

Hundred Rolls, and Quo Waranto Rolls.

THE ROLLS, officially denominated "THE HUNDRED ROLLS," contain Inquisitions taken in pursuance of a Special Commission, issued under the Great Seal, dated the eleventh Day of October, in the Second Year of the Reign of King Edward the First.

A Transcript of the Commission itself, with the Articles of Enquiry from the Patent Roll of that Year preserved in the Tower, is prefixed to the present Collection. The Original Inquisitions for the County of Lincoln are preserved amongst the Records in the Tower of London; and those for several other Counties are reposited amongst the Records of the Court of the Receipt of the Exchequer, in the Chapter House at Westminster.

For a few Counties no Hundred Rolls have been yet discovered; and to supply this Deficiency, it has been deemed adviseable to print the Extracts of the Inquisitions for all the Counties, which are entered on Three Rolls in a Hand-writing coeval with the Inquisitions, and also preserved in the Chapter House: in one Instance, viz. for the County of Bucks, the Answers to the Articles in the Eyre A° 39 Hen. 3., hitherto officially kept as Part of the Hundred Rolls of that County, have been also added.

In order to form an accurate Idea of the Nature of the Hundred Rolls, it will be neceſſary briefly to conſider the Articles usually given in Charge to the Hundredors by the Juſtices in Eyre, the particular Objects the King had in Contemplation in issuing this Special Commission, the Legislative Provisions which originated from the Returns thereto, and the subsequent Pleadings in Quo Waranto in Eyre which took place in consequence of some of these Provisions.

It was a Function of the Juſtices in Eyre, as well to enquire of Knights Fees, Escheats, Wardships, Marriages, Presentations to Churches, and Usurpations of the Rights of the Crown, (in order to preserve the profitable Tenures of the King, and that he might be duly answered of the Fruits of such Escheats, Wardships, &c. which formed a material Part of his Revenue), as to enquire of Oppressions and Frauds of the King's Ministers and Officers. The Juſtices, therefore, (as is well known), delivered in charge to the Hundredors certain Articles called "Capitula Itineris." (*Bract. l. 2. fo.* 116, 117.) These were not always the same, but varied as Times and Places required. The Articles in Bracton were given in charge with little Variation, during the Reign of Henry the 3d. In his 39th Year, the *Annals of Burton*, 342, and the *Inquisitions for Bucks*, (page 20), furniſh an Example of the Changes occaſionally made in them. They are fewer, though in Substance many of them are similar to the Articles of the Special Commission A° 2 Edw. 1. Two Articles of the 39th Henry 3. are particularly levelled againſt the increasing Power of the Italian Clergy, and the Encroachment of the Ecclesiastical on the Civil Courts.

During the turbulent Reign of King Henry the 3d, the Revenues of the Crown had been considerably diminiſhed by Tenants in Capite alienating without Licence; and by Ecclesiastics, as well as Laymen, withholding from the Crown under various Pretexts its just Rights, and usurping the Right of holding Courts and other Jura Regalia. Numerous Exactions and Oppressions of the People had also been committed in this Reign, by the Nobility and Gentry claiming the Rights of free Chace, free Warren, and Fishery, and demanding unreasonable Tolls in Fairs and Markets; and again, by Sheriffs, Escheators, and other Officers and Miniſters of the Crown, under Colour of Law.

King Edward the First, who was on his Return from the Holy Land on the Death of his Father, did not reach England till towards the latter End of the 2d Year of his Reign (*Rot. Claus.* 2 *Ed.* 1. m. 5. and *Rot. Pat.* 2 *Ed.* 1. *m.* 15.), and these Abuses remained uncorrected till his Return. One of the First Acts of his Administration, after his Arrival, was to enquire into the State of the Demesnes, and of the Rights and Revenues of the Crown, and concerning the Conduct of the Sheriffs, and other Officers and Ministers, who had defrauded the King, and grievously oppressed the People. (*Annals of Waverley*, 235.)

The Capitula Itineris would have nearly embraced the Consideration of all these Abuses: yet as the Circuit of the Juſtices itinerant, who went it generally but once in Seven Years, would not return till the Sixth Year of this King's Reign, it was necessary in the Interim to afford a Speedy Remedy to the Crown and to the Subject. Before, however, any specific Remedy could be provided for the Correction of the Abuses above described, Evidence was requisite of their peculiar Nature and Extent. The King, therefore, on the 11th October, A° 2° of his Reign, appointed Special Commissioners for the whole Kingdom, as appears from the Patent Rolls of that Year, whereon are enrolled Thirty-five Articles of Inquiry. Twelve other Articles, not discoverable on the Patent Rolls, are to be found among the Returns, making in all Forty-seven Articles. The latter were adapted to the Circumstances of the Place, and some of these are applicable to Maritime Counties only.

After the Commissioners had, in the third Year, returned their Rolls of Inquisitions in obedience to the Commission of 2d of Edw. 1. it was necessary for the Court of Exchequer to have in one View such Parts of the

Rotulorum Hundredorum Exemplar.

3 Edw. 1. in Turr. Lond.

[illegible]

[illegible]

[illegible]

3 Edw. 1. in Dom' Capitular' Westm.

[illegible]

[illegible]

[illegible]

Hundred Rolls, and Quo Waranto Rolls.

the Returns as affected the Rights of the Crown and the Abuses of its Officers; to this End certain Rolls were drawn up containing a Selection, under the Denomination of Extracts.

The Rolls of Inquisitions and Extracts being in the Hands of the Treasurer and Barons of the Exchequer, the Crown was at once furnished (amongst other Things) with Evidence, upon the Oath of a Jury of each Hundred, and Town in every County, of

—All the Demesne Lands of the Crown, whether antient, or newly acquired by Escheat or Purchase;
—Manors, &c. formerly in the Hands of the Crown, the Persons holding the same, the Authority, and how alienated;
—Tenants in Capite and Tenants in antient Demesne;
—The Losses sustained by the Crown in Military Services, and otherwise, by the Subinfeudations made by such Tenants in Capite, &c;
—Alienations to the Church under Pretext of Gifts in Frankalmoigne;
—Wardships, Marriages, Escheats, Suits, and Services with-holden and subtracted;
—Fee Farms of the Crown, Hundreds, Wapentakes, and Tythings;
—Courts, Wreck of the Sea, Free Chace, Free Warren and Fishery, and other Jura Regalia;
—Oppressions of the Nobility, Clergy, and other Great Men, claiming to have and exercise such Rights;
—Exactions by excessive and illegal Tolls in Fairs, and for Murage, Pontage, &c;
—Exactions and Oppressions of Sheriffs, Escheators, and other Ministerial Officers under Colour of Law;
—Unlawful Exportation of Wools, &c. &c;

The Statute of Gloucester was enacted in the Sixth Year of this King's Reign; and the First Chapter relating to Liberties, Franchises, and Quo Waranto, was founded upon the previous Inquiries under this Commission. A Comparison of the Hundred Rolls and the ROLLS OF PLEADINGS IN QUO WARANTO of Edw. 1. wherein the Usurpations presented by the Hundredors are inquired into, fully justifies this Conclusion.

Immediately after the passing of the Statute of Gloucester, the stated Period of the Circuit in Eyre returned; and on the Justices going their Iter, Writs of Right, and of Quo Waranto issued very generally against such Persons as claimed Manors, Liberties, &c. where the Jurors had previously said upon Oath before the Inquisitors A° 3 Edw. 1. "Nesciunt quo Waranto" the Parties held or claimed; and again, where they said the Party held or claimed "sine Waranto," in such Case a Writ sometimes issued, but the Party usually came in upon the general Proclamation (directed by the Statute) without any special Writ of Quo Waranto. The Entry in the former case being "A. B. "summonitus fuit ad respondend' Dño Regi quo waranto,"&c. and in the other "Presentatum fuit aliàs coram Inquisitoribus Dñi Regis quòd A. B. clamat, &c. sine waranto." THE HUNDRED ROLLS for the Counties of Gloucester and Lincoln A° 3 Ed. 1. afford a stronger Instance of the Connection between these Rolls and THE QUO WARANTO ROLLS in Eyre; since the Verdict in Eyre, whenever there was one, and in like Manner the Judgment of the Justices, or at least the Effect thereof, have been generally entered in another Hand on the Hundred Rolls of those Counties: These Entries are very numerous in the Two Counties alluded to.

It is also worthy of Observation, that many of the same Jurors who were upon the Inquest under the Special Commission, A° 2 Ed. 1. formed a Part of the Inquest on the Enquiry upon the Procedings in Quo Warranto.

But the best Evidence that the Result of the Enquiries under this Commission was the immediate Cause of the first Chapter of the Statute of Gloucester, consists in this Circumstance, that previously to the Departure of the Justices in Eyre on their Circuit immediately following the Enactment of that Statute, these identical Hundred Rolls, or Inquisitions, were delivered to them for the Purpose of holding Pleas upon the Claims stated therein:

"De Inquisitionibꝫ lib̄ Memo^d qd̄ Walt̄s de Wymburn die Mart' ꝑx' an̄ festū Sc̄i Georgii Martiris anno regni "R̄ septimo liberavit apud Westm' Willo de Sah^m Inquisic̄ões factas in comitatibꝫ Ebor' Notingh^m Derb̄ de "lib̄tatibꝫ Dñi R̄ man̄iis feodis Dño Regi subtractis ad p̄dcas inquisic̄ões in p̄dcis Com' placitand." *Rot. Claus. 7 Ed. 1. m. 8. d.*

Hence it may be reasonably concluded that the first Chapter of the Statute of Gloucester was enacted as a necessary Consequence of the previous Enquiry made by virtue of the Commission A° 2; nor is it unreasonable to suppose, that the Chapters 6, 8, 10, 15, 16, 19, 21, 23, 26, 27, 30, 31, and 35, of the Statute of Westminster the first, were intended to provide specifically against Offences, which appear, by the Inquisitions on these Hundred Rolls, to have been frequently committed, and which, probably, the Common Law was inadequate to correct.

After the 6th of Edw. 1. the Articles of Inquiry of the 2d Edw. 1. given in Charge by the Inquisitors, formed a Part of the "Capitula Corone et Itineris," and were always given in Charge by the Justices on their Circuits on the Crown Side to the Hundredors. They were intituled, "Nova Capitula," as distinguished from the old Articles; and are to be seen in the subsequent Rolls in Eyre, particularly of the 21st Edw. 1. in the County of Surrey. The old Articles in Eyre, as in Bracton, lib. 1. fo. 116, 117, and those of the 39 Hen. 3. as also the "Nova Capitula," were all incorporated in Fleta, lib. 1. c. 20. tit. "de Capitulis Corone & Itineris."

1st March 1812.

W. ILLINGWORTH, Deputy Keeper of the Records in the Tower. } Sub-Commissioner.

Appendix, (K. 3.)

Hundred Rolls, and Quo Waranto Rolls.

Commission for taking the Inquisitions.

Ex Rot. Pat. 2 Edw. I. m. 5. in Turri Lond.

REX dilcis & fidelibꝫ suis Ricō de Fukeram & Osbto de Bereford saltm. Sciatis qđ assig'tiim⁹ vos ad inquirend p sac'rum ꝑboꝝ & leḡ hominū de Coīn Saloꝑ Stafford & Cestr' p quos &c. de quibꝫdam juribꝫ lĩbtatibꝫ & rebꝫ aliis nos & statū nr̃m necnō & statum cōitatis Coīn ꝑdčoꝝ contingentibꝫ et insup de fčis & gestibꝫ Vicecōitum & Ballōꝝ quoꝝcūq, in Coīn predčis ꝑut in articlis quos vob inde t'didim⁹ pleni⁹ ꝑtinet' Et ido vob mandam⁹ qđ ad čtos dies & loca quos ad hoc ꝑvideritis inquisičões illas faciatis jux' continentia articloꝝ ꝑdčoꝝ Et eas distincte & apte fčas nob sub sigill vr̃is & sigill eoꝝ p quos fče fuint sine dilōe mittatis & hoc ꝛre Mandavim⁹ enim Vicecomitibꝫ nr̃is Coīn ꝑdčoꝝ qđ ad čtos dies & loca quos eis scire faciatis tot & tales ꝑbos & leḡ hōies de ballivis suis coram vob venire fac' p quos rei ꝟitas in ꝑmissis melius sciri pot'it & inquiri. In cuj⁹ &c. T. R. apud Trim Londoñ xj. die Octobr̃.

Eodē modo assig'nt' Barthis de Bryauntōn & Jacobus de Sčo Victore ad inquir' de q'bꝫdā juribꝫ &c. in Coīn Kanť Surr' Susseχ & Midd & Civit Lond.

Eodē modo assig'nt' Willis de Braybuek' & Guydo de Tauntōn ad inquir' &c. in Coīn Wiltes Sutht Berk & Oxoñ.

Eodē modo assig'nt' Barthis le Juvene & Roḡs de Chenne ad inquir' &c. in Coīn Sonis Dors Devoñ & Cornub.

Eodē modo assig'nt' Willis de Sčo Oño & Warin⁹ de Chalcūbe ad inquir' &c. in Coīn Northt Rotel & Linc'.

Eodē modo assig'nt' Thoīn de Boultoñ & Willis de Peretōn ad inquir' &c. de Coīn Eboꝝ.

ARTICULI AD INQUIREND'

Quot & que dñica mañia Rex habet in manu sua in singul Comitatibꝫ tã scilt de antiquis dñicis Corone q'm de escaetis & perquisitis.

Que ecĩa mañia esse solent in manibꝫ Regū ꝑdecessoꝝ Reḡ & qui ea tenent nunc & quo waranto & a q' t'pre & p quē & quom⁰ fuint alienata.

De feodis eciam dñi Reḡ & tenentibꝫ ejus qui ea modo teneant de ipō in capite & quot feoda singuli ipoꝝ teneant & que feoda tenle solet de Rege in capite & nūc tenent' p mediū & p quē mediū & a quo t'pre alienata fuint & g'liter & p quos.

De ꝟris eciam tenenciū de antiquo dñico corone tam lĩboꝝ sokemannoꝝ quam bondoꝝ utrū p ballivos aut p eosdē tenentes & p quos ballivos & p quos tenentes & a quibꝫ alienate fuint qualit & quo tempore.

Simili modo inq'rat' de firmis Hundredoꝝ Wappelt & Trythyng Civitatū Burgoꝝ & alioꝝ reddituū quoꝝcūq, & a quo tp̃re.

Quot eciam Hundreda Wappeltak & Trythingg sint nūc in manu dñi Reḡ & quot & que in manibꝫ alioꝝ & a quo tp̃re & quo waranto & q'ntum valeat quodlibet Hundredum p annū.

De sectis antiquis consuetudinibꝫ ꝟiciis & aliis rebus dño Regi & antecessoribꝫ suis subt'ctis qui ea subt'xerint & a quo tp̃re & qui hujmodi sectis ꝙsuetudines ꝟicia & alia ad dñm Regē ptinencia & consueta sibi ipis appriaint & a quo tp̃re & quo waranto.

Qui eciam alij a Rege clamant ꝛre ret'num vt extractas ꝛrium & qui teneant placita de vetito nam & qui clamēt ꝛre Wreccum maris quo waranto & alias lĩbtates regias ut furcas assīas paris & ꝟisie & alia que ad coronā ptinēt & a quo tp̃re.

De hiis eciam qui ꝛient lĩbtates p Reges Angt sibi ꝙcessas & eas alit usi fuint q' fače debuissent q'lit a quo tp̃re & quomodo.

Itē de lĩbtatibꝫ ꝙcessis que impediūt ꝙm justicĩa & regiam potestatē subvtunt & a quo concesse fuint & a q' tp̃re.

Qui insup de novo appavint sibi chacias liberas vt warennas sine waranto & similit qui ab antiq⁰ hujmodi chacias & warennas ex concessione Reḡ ꝛuerint & fines & metas eaꝝ excesserint & a quo tp̃re.

Qui eciam dñi aut eoꝝ senescalli seu ballivi quicūq, seu ecĩa dñi Reḡ ministri nō sustinuint execučem mandatoꝝ dñi Reḡ fieri aut eciam fače ꝙtemperint vt aliq⁰ modo ea fieri impedierint a tp̃re ꝙstitučonū fčaꝝ apud Marleberwe anno regni dñi Reḡ H. pr̃is Reḡ nunc Quinq'gesimo sčdo.

Item de omibꝫ p'presturis quibꝫcunq, fčis sup Regē vt regalē dignitatē p quos fče fuint q'lit & a quo tp̃re.

De feodis militaribꝫ cujcumq, feodi & ꝟris aut tenementis datis vt venditis religiosis vt aliis in ꝑjudiciū Reḡ & p quos & a quo tp̃re.

De Vicecōitibꝫ capientibꝫ mulia ut ꝙsenciant ad ꝙcelandū felonias fčas in ballivis suis vt qui necligētes extit'int ad felones hujmodi attachiand quocūq, favore tam infra lĩbtates q' ext' simili modo de clicis & aliis ballivis vič de coronatoribꝫ & eoꝝ clicis & ballivis quibꝫcūq, qui ita fečint tp̃re dñi H. Reḡ post bellum de Evesha & qui tp̃re dñi Reḡ nūc.

De Vicecōitibꝫ & Ballivis quibꝫcūq, capientibꝫ mulia p recognitoribꝫ removend de assis & jurat' & quo tempore.

It̃

APPENDIX, (K. 3.)

Hundred Rolls and Quo Waranto Rolls.

It̃ de Vicecomitib3 & aliis Ballivis quib3cūq, qui am̃ciaṽint illos qui sum̃ fu̅int ad inquisic̃ões fc̃as p p̃ceptū dñi Reg̃ p defalta cum p eandē sum̃onic̃ōem psone ven̅int sufficientes ad inq'sic̃ões huj⁹modi faciendas & q'ntum & a quib3 cepint occ̃ōe p̃dc̃a & quo tp̃re.

Itē de Vicecomitib3 qui t'diderint Ballivis extorsorib3 populū g'vantib3 sup' modū Hundreda Wappeltak̃ vl Trithingg̃ ad altas firmas ut sic suas firmas levarent & qui fu̅int illi Ballivi & quib3 fu̅int huj⁹modi dampna illata & quo tempore.

Itē cum Vic̃ non debeant fac̃e t'nū suū nisi bis in anno qui pluries fec̃int in anno t'nū suū & a quo tempore.

Itē cum fines p redisseis̃ aut pprestuiis fac̃tis p t̃ram vl aquam p occultac̃one Thesauri & aliis huj⁹modi ad dñm Regē ptineant & ad Vic̃ huj⁹modi attachiare qui cepint fines huj⁹modi & a quib3 & q'ntū.

It̃ qui potestate officii sui aliquos malic̃ose occ̃onaṽint & p hoc extorserint t̃ras reddit⁹ ante alias prestac̃ões & a quo tp̃re.

Qui recepint mandatū dñi Reg̃ ut ejus debita sloṽent & a creditorib3 recepint aliquam porc̃ōem ut eis residuū solṽent & nichilominus totū sibi allocari fec̃int in Sec'io vl alibi & a tempore.

Qui recipint debita Reg̃ vl ptem debitoꝝ & debitores illos nō acq'etaṽint tam tp̃re dñi Reg̃ H. q' tp̃re dñi Reg̃ nūc.

Itē qui sum̃onierīt aliquo ut fierent milites & p respectu h̃ndo ab eis luc' recepint & q'ntum & quo tp̃re Et si aliq' magnates vl alii sine p̃cepto Reg̃ aliquos dist'nxerint ad arma suscipienda & quo tempore.

Itē si Vic̃ aut Balli aliqui cuj⁹cūq, lib̃tatis nō fec̃int sum̃ debito modo scd̃m formā br̃is dñi Reg̃ ut alit̃ fraudulent̃ seu min⁹ sufficient̃ executi fu̅int p̃cepta regia p̃ce p̃c̃ō vl favore & quo tempore.

It̃ de hijs q' h̃u̅int pbatores īp'sonatos & fec̃int eos appllare fideles & iñocētes causa lucri & q'ndoq, eos impedierīt ne cīpabiles appllarēt & a q' tp̃re.

It̃ qui h̃u̅int felones inp'sonatos & eo p pecūia abire & a p'sōe evadere pmi'sint lib̃os & impune & q' pecūiam extor'sint p p'soñ dimittend̃ p plevinā cū sint repleg̃ & a quo tp̃re.

It̃ qui dona vl luc' aliqua recepit p officiis suis ex'cend̃ vl nō ex'cend̃ vl exeq̃d vl alit̃ execut⁹ fu̅it seu excess̃it fines mandati Regis alit̃ q' ad officium suū ptinuit & quo tempore.

Et om̃ia ista inquirant' tam de Vicecōitib3 Coronatorib3 eoꝝ cl̃icis & ballivis quib3cūq, q'm de dñis & ballivis lib̃tatū q'rūcunq,.

It̃ qui Vic̃ vl custodes castroꝝ vl man̅ioꝝ dñi Reg̃ quoꝝcūq, vl eciā qui visores huj⁹modi opac̃onū ubicūq fc̃aꝝ p p̃cept̃ R. mag̃ ꝯputaṽint in eisdē q' rōnabilit̃ apposu̅int & sup hoc flas alloc̃ s' fieri pcuraṽint Et similit̃ q' petrā maerem̃ vl alia ad h̃⁹ opac̃ões ep̃ta seu pvisa adop⁹ suū retinu̅int seu amoṽint & qd̃ & q'ntū dampnū dñs Rex inde h̃u̅it & quo tp̃re.

De Escaetorib3 & Subescaetorib3 in seis̃ dñi Reg̃ facientib3 vastū vl destrucc̃ōem ī boscis pcis vivar' warenn' inf' c⁹todias s' ꝯmissas p dñm Regē q' si & de q'b3 & q'modo & q' tp̃re.

Itē de eisdē si occ̃ōe huj⁹modi seis̃ cepint bona defunctoꝝ vl h̃ed in manū dñi Reg̃ injuste don' redim̃ent' ab eisdē & qd̃ & quantum ita cepint p huj⁹modi redēpc̃ōe & quid ad op⁹ suū pp'um inde retinu̅int & quo tp̃re.

It̃ de eisdē q' cepint mun̅a a quib3cūq, p offic̃o suo exequendo vl nō exequēdo q'ntū & a quib̃ & quo tp̃re.

It̃ de eisdē qui min⁹ sufficient̃ extenderint t̃ras alicuj⁹ in favorē ei'dē vl alt̃ius in custodia illaꝝ t̃raꝝ dari vend̃ vl ꝯcedi debu̅at in decepc̃ōem dñi Reg̃ & ubi & quomodo & si q'd p inde cepint & q'ntū & q' tp̃re.

ROLLS of Quo Waranto for the following Counties are preserved in the Chapter House Westminster:

Bedf'	Dorset'	Kanc'	Northumb'	Suth̃ton'
Berks	Ebor'	Lanc'	Nott'	Suff'
Bucks	Essex'	Linc'	Oxon'	Surr'
Cant'	Glouc'	Lond'	Rutl'	Sussex
Cornub'	Heref'	Midd̃	Salop'	Warr'
Cumb'	Hertf'	Northton'	Somers'	Westmerl'
Derb'	Hunt'	Norf'	Staff'	Wilts'
Devon'				

No Rolls are extant for the following Counties: viz.

Chester	Leicester
Durham	Worcester

The Rolls will be published in Alphabetical Order of Counties;—they are in general in good Condition.

Appendix (L. 1.)

Account of the Publication of the Ecclesiastical Taxation of P. Nicholas IV. Temp. Regis Edwardi I.

APPENDIX, (L. 1.)

Taxatio Ecclesiastica, Auctoritate P. Nich. IV. Temp. Edw. I.

POPE Innocent the Fourth, to whose Predecessors in the See of Rome, the First Fruits and Tenths of all Ecclesiastical Benefices had for a long Time been paid, gave the same, A. D. 1253, to King Henry the Third, for Three Years, which occasioned a Taxation in the following Year, sometimes called The Norwich Taxation, and sometimes Pope Innocent's Valor.

In the Year 1288, Pope Nicholas the Fourth granted the Tenths to King Edward the First for Six Years, towards defraying the Expence of an Expedition to the Holy Land; and that they might be collected to their full Value, a Taxation by the King's Precept was begun in that Year (1288) and finished as to the Province of Canterbury in 1291, and as to that of York, in the following Year; the Whole being under the Direction of John, Bishop of Winton, and Oliver, Bishop of Lincoln.

A Third Taxation, entitled, "Nova Taxatio", as to some Part of the Province of York, was made A. D. 1318, (11 Edward II.) by virtue of a Royal Mandate directed to the Bishop of Carlisle; chiefly on Account of the Invasion of the Scots, by which the Clergy of those Border Countries were rendered unable to pay the former Tax.

The Taxation of Pope Nicholas is a most important Record, because all the Taxes, as well to our Kings as the Popes, were regulated by it, until the Survey made in the Twenty-sixth Year of Henry the Eighth; and because the Statutes of Colleges which were founded before the Reformation are also interpreted by this Criterion, according to which their Benefices, under a certain Value, are exempted from the Restriction in the Statute 21 Henry VIII. concerning Pluralities.

Various detached Parts of this Record have been published in different County Histories; but the Whole is now, for the First Time, edited from Two Manuscripts in the King's Remembrancer's Office, Exchequer, collated with a Cottonian Manuscript of much greater Antiquity, in the British Museum, Tiberius C. X. which has unfortunately suffered some Damage from the Fire which happened to the Cottonian Library whilst lodged in the Dormitory at Westminster. The original Rolls for several Dioceses are still extant in the Exchequer, and have been consulted in this Edition; the various Readings which occur in them have been preserved; they are however but few, and are of no great Consideration; which Circumstances evince the Accuracy of the ancient Transcripts.

Specimens of the Hand Writing of the Two Exchequer Manuscripts, which appear to have been written in the Reign of Henry the Sixth, are prefixed, and a General Index is subjoined.

JOHN CALEY,
Sub-Commissioner.

Mr. Vanderzee in his Report (Appendix Z. 1.) states, that whilst searching for Monastic Records in the Rooms of the Court of Exchequer at Westminster relating to England and Ireland, he found in a Bag Fourteen long Rolls containing an Ecclesiastical Valor and Taxation of the Whole of Ireland, made by the Authority of Pope Nicholas the Fourth. This Valor extends to the Possessions of Archbishops, Bishops, and the Religious, and also to Rectories, Vicarages, and to every Kind of Ecclesiastical Benefice.

Appendix (L. 2.)

Account of the Publication of The Nonæ Rolls, Temp. Ed. III.

APPENDIX, (L. 2.)

Inquisitiones Nonarum, Temp. Edw. III.

THE Origin of the Records now published, the Authority by which they were taken, and the Manner of taking them, appear in the Statutes of the 14 and 15 Edw. III. and in the Commissions, and other Records in the Exchequer; from thence the following Statement has been collected.

At the Parliament holden at Westminster the Wednesday next after Mid-Lent, in the Fourteenth Year of the Reign of Our Lord King Edward the Third of England, and the First Year of His Reign in France, Stat. 1. c. 20. the following Grant was made of a Subsidy of the Ninth and Fifteenth: "And for the Grants, Releases and "Pardons of the said Chattels of Felons and Fugitives, and many other Things underwritten which the King "hath granted to the Prelates, Earls, Barons, and all the Commons of his Realme for the Ease of them "perpetually to endure, the said Prelates, Earls, Barons, and all the Commons of the Realm, willingly of one "Assent and good Will, having Regard to the Will that the King their leige Lord hath towards them and to the "great

Taxatio Ecclesiastica P. Nich. IV.

Vol. I. Scacc: 67. b.

p. 43.

otulus Taxacois Donar temporalis Reddituu spiritualiu
Religiosor ecclesiar archidiaconatuum Oxon Buk[ingham]
Bedeford Huntyngdon et Notyngham
Lincolnie facte per magistm Johem de Dalderee et Willm de
Sweyneton anno dni m.cc.lxxx.o nonagesimo primo sub Reu-
endis patribus dnis Johe de Sancto Lincolnie et Roberto Epis
Taxatoribus primo deputatis a Sede Apca Nicholao papa Quarto Reputatis.

Archidiaconatus Oxon

Decanatus de Alton.

Prior de Walingford in Chalcefeld in tpe pcessi qui Ecclesiastice dignitatis non est. Nil.
Idem Ibet ibidem in opibz Bordor.
Idem Ibet in Chenneye de pcessi.
Idem Ibet in Warlingtond de pcessi.
Idem Ibet in Chalgrue de pcessi.
Idem Ibet in Cuxham de pcessi.
Abbas de Abbendon Ibi in Lenelipe ymuno et valet per annum. xlij.li. x.s. iij.d. ob.
Abbas de Thame in Adelbell in pcessi
Decimas xl.li. et inde Decimas.

Vol. II. Scacc: 33.

p. 320.

Taxacio bonor temporalium dni Regis Epi et Religiosor eiusdem Regis dioc
fca anno dni millesimo ccc.mo nonagesimo octavo p magistros petrum de Insula dicton
Eyon et Adam de Alton Rectorem ecclie de Debenham Deputatos in hac pte in Ebor Dunelm
et dca Regis dioc vicos Venerabilium patrum dnor Johis dei gra Dunelm et Oliuer eadem
gra Lincoln Epor executor negocii tpe ocie a sede Apca deputator prout ded Executam
dno Archiepo illustri Regi Angl in curia tpe ocie constat

Episcopus Regis Ibi	xxxvj li. xv s. viij d.
Abbas de Hepe Ibi	xlvij li. xvj s. iij d.
Prioress de Grauntedeyne Ibi	[illegible]
Prior de Sandford Ibi	lxxxvij li. xvij s. ij d. ob
Prior de Wodeyate Ibi	iij li. xvij s. ij d.
Abbas de Holmcultram Ibi	[illegible]
Prior Regis Ibi	[illegible]

Dim totius bonor temporalium [illegible]

Dim omnium bonorum tam temporalium quam Spiritualium [illegible]

Dim decimas [illegible]

" great Travailes that he hath made and sustained, as well in his Wars of Scotland, as against the Parts of France, " and other Places, and to the good Will which he hath to travail to keep his Realme, and maintain his Wars, " and to purchase his Rights: they have granted to him the Ninth Lamb, the Ninth Fleece, and the Ninth Sheaf, " to be taken by Two Years then next to come. And of Cities and Boroughs the very Ninth Part of all their " Goods and Chattels, to be taken and levied by lawful and reasonable Tax by the same Two Years, in Aid of " the good keeping of this Realm, as well by Land as by Sea, and of his Wars, as well against the Parts of " Scotland, the Parts of France, Gascoyne, and elsewhere. And in Right of Merchants Foreign, which dwell " not in the Cities nor Boroughs, and also of other People that dwell in Forests and Wastes, and all other that " live not of their Gain nor Store, by the good Advice of them which shall be deputed Taxers, shall be set " lawfully at the Value to the Fifteen without being unreasonably charged. And it is not the Intent of the King, " nor of other great Men, nor the Commons, that by this Grant made to the King of Fifteens, the poor boraile " People, nor other that live of their bodily Travaile shall be comprized within the Tax of the said Fifteens, but " shall be discharged by the Advice of them which be deputed Taxers, and of the great Men which be deputed " Surveyors."

By Statute 2. in the same Year, the King willed and granted to the said Prelates, Earls, Barons, and Commons, Citizens, Burgesses, and Merchants that the aforesaid Grant should not another Time be had in Example, nor fall to their Prejudice in Time to come, nor that they be from henceforth charged or grieved to make any Aid, or to sustain Charge, if it be not by the common Assent of the Prelates, Earls, Barons, and other great Men, and Commons of Our said Realm of England, and that in the Parliament; and that all the Profits arising of the said Aid, shall be put and spent upon the Maintenance and Safeguard of Our said Realm of England, and of Our Wars of Scotland, France, and Gascoigne, and in no Places elsewhere during the said Wars.

By a Third Statute in the Fifteenth Year of Edward the Third certain Conditions were expressed, whereupon the Subsidy granted in the Fourteenth were given.

Assessors and Venditors were thereupon appointed for every County in England to assess and sell the Ninth and Fifteenth, and Three Commissions were issued directed to Assessors and Venditors named under the Great Seal by the King and Council.

The Execution of the First Commission was confined to a few Parishes only within a County, and within the Assessment and Sale the Ninth of the Religious was included.

A Second Commission was afterwards issued by the same Authority, and directed (with a few Exceptions) to the same Persons, and this was also imperfectly executed; but it was done in a Way different from the First, by assessing and selling the Ninth of the Articles to be levied according to the Tax or Valuation of Churches completed in 1292, 20 Ed. I. called Pope Nicholas's Taxation. By which Proceeding it seems, that the Assessors and Venditors were to consider the Ninth of Corn, Wool, and Lambs in 1340 worth as much in a Parish, as the Tenth of Corn, Wool, and Lambs, and all other tytheable Commodities, and the Glebe Lands were, when the Valuation was made of them in 1292; and within the Assessment and Sale by virtue of the Second Commission the Ninth of the Religious was included.

In the Fourteenth Year of the Reign of Edw. III. the Clergy both of the Provinces of Canterbury and York granted to the King a Tenth for Two Years (besides the former triennial and annual Grants) of all their Property; and within this Grant was intended and included the Spiritualties and Temporalties of Abbies, Priories, and other Religious Houses, and Bodies. All the Property within the Valuation and Tax of 1292, in the Twentieth Ed. I. was subjected to the Tenth, in this Year granted for Two Years, and was afterwards collected agreeable to the Tax Book, or Valor Beneficiorum, now in the Custody of the King's Remembrancer.

Notwithstanding this Grant of a Tenth by the Clergy and Religious, they were assessed and taxed to the Ninth, and both were collected; this Exaction produced from Stratford the Archbishop of Canterbury, a Remonstrance addressed to King Edward, who afterwards (whenever the Grievance was stated) issued a Writ directed to his Treasurer and Barons of the Exchequer, and therein commanded Redress to be given.

From a Review of the Rolls of Parliament, Statutes, Register Books of Monasteries, and Priories, Writs of King Edward III. directed and sent to his Treasurer and Barons of the Exchequer, and other Proceedings of Record in the Court of Exchequer, in the Fifteenth, Sixteenth, and subsequent Years of the Reign of Edward III., it is evident, that from the Laity only the Grant of the Ninth and Fifteenth was considered to proceed, and that from the Religious the Ninth was not to be collected, except from those who held by Barony, and were summoned to Parliament when the Grant of the Ninth was made, and except also upon Possessions acquired by the Religious after the Twentieth Edw. I. which otherwise would wholly escape Taxation, not being included within the Valuation then made and called as already mentioned Pope Nicholas's Valor, which then, and till the Reign of Henry VIII. was used as the Guide for taxing the Clergy, and other Religious Bodies and Men, and was constantly resorted to by the Treasurer and Barons to correct the Accounts of Collectors of a Tenth, and to determine the Liability of Persons and Property, and to what Amount.

APPENDIX, (L. 2.)

Inquisitiones Nonarum, Temp. Ed. III.

A THIRD COMMISSION was afterwards issued and directed to the Assessors and Venditors on the Twenty-sixth of January, in the Fifteenth Year of the Reign of Edw. III. whereby they were instructed to levy the Ninth of Corn, Wool and Lambs in every Parish, according to the Value upon which Churches were taxed (this means Pope Nicholas's Valor and Taxation) if the Value of the Ninth amounted to as much as the Tax, and to levy more where the true Value of the Ninth should be found to exceed the Tax; but should the Value of the Ninth be less than the Tax they were directed to levy only the true Value of the Ninth and to disregard the Tax; and to gain correct Information of these Facts, they were directed to take Inquisitions (THE RECORDS NOW PUBLISHED) upon the Oath of the Parishioners in every Parish.

In these Records it appears that the Parishioners of every Parish found upon their Oath the true Value (sometimes separately) of the Ninth of Corn, Wool and Lambs, then the Amount of the antient Tax of the Church was stated, and afterwards the Causes of the Ninth not amounting to the Tax or Value of the Church were assigned, and when the Ninth did not exceed the Tax, it was assigned for Cause thereof, that within the Valuation or Tax of the Church there were other Articles included besides Corn, Wool, and Lambs, such as the Dos or Glebe of the Church, Tythe of Hay, and other Tythes. And if any Abbey, Priory, or other Religious Corporation, had Property within any Parish, the Ninth arising from such Property was found and returned.

There were in some Counties and Parishes local Causes which reduced the Ninth very much in the Fourteenth Edw. III. many Parishes in the Northern Counties were at the Time exposed to an invading Enemy, and totally or nearly laid waste; this Kingdom being then at War with Scotland. The Sea also had been destructive to other Parishes between the Twentieth Edw. I. and the Fourteenth Edw. III., and in consequence Land, which produced Corn when the Value and Tax of Pope Nicholas was taken, was either lost or uncultivated in the Fourteenth Edw. III. In the Counties much exposed to the Severity of a cold Winter (particularly Bedfordshire) Parishes were said to have suffered in the Fourteenth Edw. III. by the Death of Sheep and Lambs. In Buckinghamshire, the Mildew in many Parishes deteriorated and diminished the Produce and Price of Corn; the Poverty of the Parishioners and Inhabitants in many Parishes was mentioned as a Cause for much Land being uncultivated and unproductive; there were other Causes assigned, and all for the Purpose of shewing the great Difference between the Ninth in 1340, and the Value and Tax in 1292.

By the Nonæ Rolls it appears, that the Ninth was first attempted to be sold for more than the Tax of the Churches, then for as much as the Tax, and afterwards for the real and true Value, whether more or less than the antient Tax.

The Survey called Domesday, taken in the Reign of the Conqueror, and the Valor of Pope Nicholas, were copied into Books, the former probably, and the latter certainly, was compiled from particular Returns; some of those from which Pope Nicholas's Valor was compiled being now in the Custody of the King's Remembrancer in the Exchequer. In like Manner some of the original Inquisitions from whence the Nonæ Rolls were formed, and the Inrolments themselves, are now in the Exchequer, though they do not appear to have been transcribed into Books; and it is to be observed, that neither the Book of Pope Nicholas's Valor, nor the Nonæ Rolls are so ample in many Instances, as the particular Returns from whence they were respectively formed.

In the Reign of Charles the First, during the Usurpation of Oliver Cromwell, and in the Reign of Charles the Second, several of these Inquisitions, and Extracts, (containing the Whole of one or more Parishes) from the Nonæ Rolls, were at the Instance of Persons (as well Laity as Clergy) exemplified under the Seal of the Exchequer, and are inrolled amongst the Memoranda; ex' gr'

Chauwelton	Nott'	Termio Pasche	12 Car. I.	R° 22.
Conyngesby	Linc'	Termio Pasche	13 Car. I.	R° 90.
Cosham	Wilts'	Termio ſti Hillar'	13 Car. I.	R° 71.
Hetherington	Northt'	Termio Pasche	13 Car. I.	R° 88.
Totenho	Buk'	Termio ſte Trin'	13 Car. I.	R° 38.
Worle	Somſs	Termio Pasche	15 Car. I.	R° 11.
Mapledurham	Oxon'	Termio ſti Hillar'	1659	R° 16.
Edwardeston	Suff'	Termio ſte Trin'	22 Car. II.	R° 20.
Chilcomb	Dors'	Termio ſti Hillar'	26 & 27 Car. II.	R° 92.
Sondon	Staff'	Termio ſte Trin'	34 Car. II.	R° 3.

GEORGE VANDERZEE,
Sub-Commissioner.

King's Remembrancer's Office,
24th March 1807.

Exemplaria Inquisitionum Nonarum.

Suthi

[illegible]

Wiltes

[illegible]

Noiht

[illegible]

Chorp Malleshouers

Appendix (L. 3.)

Plan of the Publication of the Valor Ecclesiasticus Temp. Hen. VIII.

AT a BOARD of the Commissioners, appointed by His Majesty for carrying into Execution the Measures recommended by the House of Commons respecting the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, the 31st Day of January 1806;

PRESENT,

The Right Honourable Charles Abbot, Speaker of the House of Commons.
The Right Honourable Lord Frederick Campbell.
The Right Honourable Sylvester Lord Glenbervie.
The Right Honourable Sir William Grant, Master of the Rolls.

It was ORDERED, That the Ecclesiastical Survey, made in pursuance of an Act of Parliament in the Twenty-sixth Year of the Reign of King Henry the Eighth, and returned into the Office of First Fruits and Tenths, and now remaining in the Office of First Fruits, be forthwith transcribed and printed under the Direction of the Secretary to this Board.

And at a subsequent Board, The Lord Bishop of Bangor having, by Desire of the Commissioners, examined into the State of the Books and Rolls containing the Ecclesiastical Survey, in the Office of First Fruits and Tenths, Reported, That he had, with the Assistance of the Secretary to this Board, examined the same accordingly, and that the Contents and Condition of the said Books and Rolls appeared to be as follows:

I.—BOOKS.

1st. Original.

1. Kent, County, viz. Canterbury and Rochester Dioceses—Original; that of Canterbury is signed by Three Names. Rochester ends abruptly without Signature. N. B. D. Shoreham and Dartford stand before the Diocese of Rochester, but are stated to be within it. After Rochester are some Monasteries in the Diocese of Canterbury.
2. Bath and Wells, Diocese or Somerset County—Original; signed first by the Bishop; then several other Names.
3. Devon, County—Original; signed by the Bishop, Mayor of Exeter, and Five others.
4. Worcester, County—appears to be Original, though not signed, the Names of the Commissioners are recited at the Head of the Return, and the King's Instructions are prefixed.
5. Lincoln, County, on Paper—Original; beginning with the Possessions of the See; signed by the Bishop and Five others, in several Parts imperfect.
6. Oxford, County, on Paper—Original; but not signed; contains at the End the Estates of the several Colleges.
7. Llandaff, Diocese—Original, on Paper, but not signed, except the Account of the Bishoprick and Archdeaconry by the respective Parties, the rest in different Hands.

2d. Copies.

8. Lincoln County, with London, Middlesex, Nottingham, and Huntingdon, on Vellum, 34 H. 8.
9. Derby, Staffordshire, Lancashire, Cheshire, Salop, Menevens, Llandavens, Sussex, Surry, on Vellum; illuminated; stated to be copied from the Originals de verbo ad verbum.

II.—ROLLS.

1st. Province of Canterbury.

1. Bangor, Diocese—Original; signed and sealed by Five; the Return of the Chapter signed by the Bishop.
2. Southampton, County—Original; the Return signed by the Bishop (St[e] Winton) and 12 others.
3. St. Asaph, Diocese—Original; the Return signed by the Bishop.
4. Stafford, County—Original; but not signed; the Names of the Commissioners at the Head.
5. Leicester, County—Original; with the Names of the Commissioners at the Head; not signed, but returned under Three Seals.

Appendix, (L. 3.)
Valor Ecclesiastic. temp. Hen. VIII.

6. Suffolk, County—Original; on Paper, and in a State of Decay, signed in Part by Six Names.
7. Gloucester, County—Original; but not signed, or otherwise authenticated.
8. Northampton, County—Original; with the Instructions and Names of the Commissioners at the Head, but not signed nor authenticated, except by the Labels of Three Seals.
9. Bucks, County—Original; with a Return signed by the Chief Justice of the Common Pleas and Seven others, and with the Instructions.
10. Wilts, County—Original; with the Names of the Commissioners at the Head, but not signed.
11. Norfolk, County—Original; with Instructions to the Commissioners, but not signed. On another Roll, Norwich Bishoprick and Cathedral,—Original; with the Return signed and sealed by Six Commissioners.
12. Surry, County—Original; on Three Paper Rolls and One Parchment; the Names of the Commissioners at the Head of the Parchment Roll; and Five Signatures at the End; the Paper Rolls not authenticated.
13. Hereford, County—Original; with the Names of the Commissioners; at the Head Three Labels and Fragment of Seals.
14. Derby, County—Original; with Instructions to the Commissioners, and five Labels of Seals not signed.
15. Bedford, County—Original; with the Names of the Commissioners at the Head; not signed or sealed.
16. Salop, County—Original; but not authenticated; Two Instruments for the Bishopricks, viz. Coventry, and Litchfield, and Hereford.
17. Dorset, County—Original; with the King's Writ and Instructions; signed by four Names.
18. Sussex, County—On Paper; much damaged; probably original.
19. Warwick, County—Original; not signed; but stated to have been delivered by John Ashton.
20. Another Roll, containing Pensions in the Diocese of Lincoln; Original; with Returns of the Archdeacons to the Dean and Chapter of Lincoln's Precepts issued in pursuance of a Mandate of Queen Mary, 1554.

2dly. Province of York.

21. York, County—Imperfect, the Deaneries of Craven and Ridall being wanting; Original; but not authenticated; on a separate Roll, a Return of the Names of Incumbents, by Edward, Archbishop, 1536; on another, Richmond Archdeaconry; Original; with the Instructions and Labels for Seals.
22. Cheshire, County—Original; with the Instructions and Names of Commissioners at the Head, and five Seals; not signed.
23. Durham, County—Original; with the Names of the Commissioners at the Head, Bishop and nine others; and seven Labels for Seals.
24. Cumberland, County—Original; with the Instructions; no Signatures or Seals.
25. Westmoreland, County—Original; with the Instructions, and five Labels for Seals, and signed by John Herring, LL. Master in Chancery.

N. B. The Returns of the Monasteries are attached to the above; but seem to have been given in by their respective Governors or Members.

appears thus, that the above are so many distinct Returns, not digested exactly according to the same Method; nor ever collected into one Set of Books. The two Books of Copies mentioned above, No. 8, 9, appear to have been a Beginning of so collecting them, by Way of Exemplification, but not carried further.

It appears also that the original Returns of all the Counties (some of them included under their respective Dioceses) are extant, except Cambridge, Hertford, Essex, Berks, Huntingdon, Nottingham, Northumberland, Lancashire, Middlesex, Rutland, Cornwall, and the S. Wales Counties included in the Dioceses of St. David's; that of these Berks, Huntingdon, London and Middlesex, Nottingham, Lancashire, together with the Diocese of Saint David's, are preserved in the ancient Copy Books; altogether wanting are Berks, Cambridge, Hertford, Essex, Cornwall, Rutland, Northumberland, and Part of Yorkshire; of Lincoln, Derby, Stafford, Cheshire, Surrey, Sussex, Salop, and the Diocese of Llandaff, there are Duplicates, Original, and Copy; of the Counties whose Returns are lost, there is a Summary preserved in the Court of Exchequer, from which the printed Accounts are taken; and that Summary is stated by the Keeper of these Records to have been taken for the Use of the Exchequer soon after the Returns were made.

Ordered, That the Contents of the said Rolls and Books now transcribing for the Press be printed, with an Introductory Explanation of their Nature, a Copy of the Royal Instructions under which the Survey was made, and also with Maps, Lists of Peculiars, and copious Indexes.

Instructions ... by the Kynges highnes by the advyse of his counsaylle for his Subsidye to be had of the hole tyme and state perely valuinge of all the possessions revenues & londes tent fee & emolument and profytes of all the temporalte appertenynge to any maner of dignyte monasterie priorie churche college church house conventuall personage vicaridge chauntrye free chapell or other dignytie office or promocion spirituall within this realme Wales townes & the Marches of the same of whiche in places exempt & not exempt which his highnesse & their counsaill shall have chardge by his commission to survey the same shall effectually with all expedicion and diligence take view and ensure as they shall answer unto his majestie at their perill

Hereafter ye shall herein that every such commissions shall be made unto any persons shire and place within this realme and unto Wales townes & the Marches of the same Where it shall please the Kynges highnes to limyte and appointe and to such number of persones as shall please his majestie to assigne and that to any of the same commissions there shall be assigned with his graces hande ... shall be annexed

Anno H. VIII^mo xxvj^to

Cantuar

Exemplar valoris Ecclesiastici tempore Recessionis ac Annuitatis Willelmi Bathoniensis et Wellensis Episcopi tam omnium et singulorum bonorum spiritualium ac temporalium Archiepiscopatus Cantuariensis ac etiam possessionum quarumcumque ejusdem Archiepiscopi ac etiam prioratus Christi Cantuariensis ac etiam prioratus Sancti Gregorii Cantuariensis videlicet Exemplum primum sive Specificatio. Videlicet tam per sacramentum quam per Inquisicionem per Decanum et Capitulum Ecclesie Cathedralis Sancti Salvatoris Bathoniensis et per Archidiaconum Wellensem Willelmum Gerard Magistrum Johannem Wellesley Willelmum Portman Militem Johannem Horner et Thomam Speke Armigeros et per Sacramentum Johannis Hugyns Auditoris et in hac parte Commissionariorum Sacre Regie Majestatis ut infra patet plenius

Somerset

[illegible] assessa tam [illegible] quam certificat' [illegible] Exitus plenius [illegible]
[illegible] pertinent' [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

Appendix (M. 1.)

Plan of the Collection of English Records illustrative of Scottish History.

AT Two several BOARDS of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on the 31st Day of July and 16th Day of December 1807;

PRESENT,

The Right Honourable Charles Abbot, Speaker of the House of Commons.
The Right Honourable Lord Frederick Campbell.
The Right Honourable Lord Redesdale.
The Right Honourable Lord Glenbervie.
The Right Reverend John Lord Bishop of Bangor.
The Right Honourable Sir William Grant, Master of the Rolls.
The Right Honourable Archibald Colquhoun, Lord Advocate of Scotland.
The Right Honourable William Wickham.

On 31st July 1807, Mr. Thomson now present stating to the Board, that it would be of material Assistance to him, in the Execution of his several Undertakings, under their Authority, respecting the Ancient Records of Scotland, if he could have Selections made from the Records regarding Scotland, which are preserved in the several Repositories of Records in London;

RESOLVED, That Mr. Thomson be requested to propose a Plan for making such Selections, with a suitable Scheme of Instructions to such Person as may be employed for that Purpose, and to submit the same to the Consideration of the Board, together with the Name or Names of such Person or Persons, as he may think qualified to make such Search and Selections.

On 16th December 1807, Read Extracts of Letters from Mr. Thomson to the Secretary, dated 3d August and 25th November 1807, which are respectively as follow:

London, August 3, 1807.

1. By an Order of His Majesty's Commissioners on the Public Records of the Kingdom, dated 30th Ult. I have been directed to prepare a general Plan for selecting from the Public Records of England such Matters as more peculiarly relate to Scotland, and may tend to illustrate Scottish History and Records. Such a Plan I hope to lay before the Commissioners without Delay; but I am anxious that no Time should be lost in commencing the Work, and as a Measure that will undoubtedly enter into the general Plan, I now beg Leave to recommend the immediate Examination of the "Rotuli Scotiæ," at the Tower. Of these Rolls a meagre, uninstructive, and inaccurate Calendar was printed by Ayloffe; but I should now propose the Formation of a Calendar or Abstract much more ample and minute, stating in the appropriate Words of the Record the particular Nature and Purpose of each Writ, specifying the Names of the Persons to whom directly or indirectly it relates, and noting exactly the Date it bears. With the Assistance of such an Abstract, the more important and interesting Writs may be afterwards selected, to be transcribed at length, with a View to their future Publication.

The Person who has occurred to me as best qualified to execute this Task is Mr. David Macpherson, of whose Intelligence and Accuracy very sufficient Proofs have been given by him in an Edition of Wyntoun's Chronicle, the Geographical Illustrations of Scottish History, and some other learned and useful Works.

Edinburgh, November 25th 1807.

2. In my Letter of the 31st of July, I had proposed that a copious Abstract or Calendar of the Rotuli Scotiæ should in the first Place be framed; and that a Selection of the more important and interesting Writs entered upon those Rolls should afterwards be made; but in consequence of a farther Examination of the Rolls themselves, and of a Conference which I had an Opportunity of holding with you and Mr. Macpherson, in the Record Office

Appendix, (M. 1.)
English Records illustrative of Scottish History.

at the Tower, it clearly appeared to us to be most expedient, that instead of attempting an Abridgement, Mr. Macpherson should at once make a complete and literal Transcript of the Contents of this curious and valuable Record.

Since that Time, I have had the Pleasure of receiving from Mr. Macpherson a Transcript of the first of these Rolls, made with great Care and apparent Accuracy. I herewith send it to you for the Consideration of His Majesty's Commissioners; and I have no Hesitation in very earnestly recommending the Continuation of the Transcript, and the printing of the Whole of this Record, with as little Delay as may be. It ought of course to be printed with all the Contractions and with a rigid Adherence to the Contents of the original Rolls, without either Addition or Suppression of any Thing whatever.

As a fit Supplement to the Rotuli Scotiæ, I would beg Leave to recommend as complete a Selection as can be made, of all the Entries relative to the Affairs of Scotland that occur on the Patent, Close, and other Rolls at the Tower.

It may be proper here to add, and to be kept in mind, that among the Records at the Chapter House Westminster, formerly deposited in the Chest "Scotia," and lately arranged by Mr. Illingworth, there are Two of the Rotuli Scotiæ, the one of the 13th and the other of the 34th Year of the Reign of Edward III. These ought of course to be transcribed and introduced in their proper Places in the Work which I have now proposed.

In further pursuance of the Order of His Majesty's Commissioners already alluded to, I now beg Leave to suggest a more extensive and detailed Plan for making Selections from the Records of England, of those Matters which are of chief Importance to the Illustration of Scottish History and constitutional Jurisprudence. For this Task I am by no Means so fully prepared as I could have wished; but my usual Residence at a Distance from London, and the very imperfect Opportunities I have yet had of becoming acquainted with the vast Stores of important Matter that exist in the Record Offices and the Public Libraries of England, must be my Apology for the Defects of the Statement which I am about to submit to the Consideration of His Majesty's Commissioners.

I. At the Record Office in the Tower, besides the Rotuli Scotiæ, and the occasional Entries on the Patent and Close Rolls, connected with Scottish Affairs, there are various Instruments and Records, of great Importance in the early History of Scotland, and that are in particular illustrative of the disputed Succession to the Scottish Crown, on the Death of Margaret of Norway, and of the Transactions of Edward I. in consequence of that Event. Of these Instruments and Records no Inventory has been published, but some of them are very generally known. I allude particularly to the Great Roll of Scotland ("Magnus Rotulus Scotiæ") as it has been usually called, on which are recorded the chief Steps of the Process among the Competitors for the Crown; and the Ragman-Roll, on which are recorded the Instruments of Homage and Fealty to Edward I, sworn by the Clergy and Barons of Scotland. Of these Two Rolls several Duplicates appear to have been made; and are yet preserved at the Chapter House, Westminster, as well as at the Tower. The First has been printed by Rymer, Vol. II. p. 542—600; but certainly not with that Accuracy which ought to have distinguished such a Publication; and I therefore beg Leave to recommend a new and faithful Transcription of this valuable Record. Of the Ragman-Roll nothing has been ever published, excepting a careless and incorrect Abstract by Prynne, in the Third Volume of his Historical Collections from the ancient Records in the Tower; and it is from that Abstract that all our later Historians and Antiquaries have derived their Information respecting it. A faithful Transcript and Publication of this Roll I would earnestly recommend as a valuable and interesting Addition to the Materials of genuine History: And I am humbly of Opinion, that it ought to make a Part of a complete Collection of Records, illustrative of the Transactions of Edward I in Scotland, exclusive of those Writs which will of course be comprehended in the proposed Publication of the Rotuli Scotiæ. Besides the Magnus Rotulus Scotiæ and the Ragman-Roll, the Materials for such a Collection would be found partly at the Tower, and partly, perhaps chiefly, in another Repository of Records, of the Contents of which I am next to speak.

II. In the Chapter House at Westminster have long been deposited a great many Instruments and Writings relative to Scotland, of which the far greater Part are of the utmost Importance to the connected History of the Kingdoms. Of these a Repertory was framed by Mr. Arthur Agarde, in the earlier Part of the Seventeenth Century, which forms a Part of Ayloffe's printed Calendars. On examining these Records in October 1804, I had the Mortification to discover that many of them, of a Nature highly interesting, were not to be found, and from the decayed and perishing State of some of those which remained, there was Reason to believe that the total Loss of so many might have been chiefly the Effect of Time, aggravated perhaps by injudicious Management. In the Month of April 1806, I took an Opportunity of bringing the Situation of these Records under the Notice of His Majesty's Commissioners, and a Report was made on the Subject. Since that Time, and in consequence, I believe, of that Report, the Remains of this Collection have been examined and arranged by Mr. Illingworth. From a Comparison of his Inventory with the Repertory framed by Agarde, the Amount of the Injury which has been sustained

sustained during the intermediate Period will be found to be very great; and from Mr. Illingworth's Report of the decaying State of many of the Instruments which yet remain, there is reason to fear, that long before another Period of equal Duration has elapsed, the Amount of the Loss will be more than proportionally greater.

These Circumstances I have taken the Liberty of bringing thus formally under the Notice of His Majesty's Commissioners, as fully warranting the Measures which I beg Leave to propose.

First, the Originals of these Instruments and Records should not be allowed to remain in the small detached Boxes in which they are still lying, and where they cannot be examined without deranging that Chronological Order in which they ought to be preserved, but ought to be placed in a Cabinet appropriated to their Conservation; and the Subdivisions of which might be so disposed in reference to a Chronological Repertory, as to admit of the easy Discovery and safe Examination of any particular Writing, without disturbing or endangering the Rest of the Collection.

Secondly, I would beg Leave most earnestly to recommend that a complete Transcript should be made of all the Instruments, Records, and original Writings in this Collection, of which there are very few indeed that do not afford some interesting Information, and all of which are deserving of Preservation, in the only Way in which they can be very long preserved, in a faithful and literal Copy.

Besides the Collection of original Writings now spoken of, there are several very important Instruments relative to the Affairs of Scotland in the Reign of Edward I. to be found on a Record preserved at the Chapter House, and usually entitled "Liber A." Of these, also, a faithful Transcript ought to be made, and would be fitly introduced into that complete Collection of Records relative to the Transactions of Edward I. in Scotland, which I have ventured to suggest as an important Desideratum in the History of the Kingdoms.

III. The only other Repository which I shall mention at present as a Source from which important Materials may be derived, is the British Museum; and among the multifarious Matters contained in that vast Repository, from which Selections may be fitly made, I shall here content myself with noticing Two Manuscript Collections of Letters and other Writings.

1. The one is a Collection of Royal Letters, or "Epistolæ Regum Scotorum," in the Reigns of James IV., James V., and Queen Mary, preserved in the Royal Library at the British Museum, in Two Volumes, (13 B. II. and 18 B. VI.) of which a very incomplete Edition was given by Mr. Thomas Ruddiman in 1722 and 1723 (2 Vols. 8vo.) from a Copy in the Advocate's Library. The whole Collection ought to be transcribed and published in a more authentic Form.

2. In the Cottonian Library (Caligula B. I.—X.; C. I.—IX.; D. I., II.) are preserved a great many important Letters and other Writings (chiefly original), illustrative of the State and Affairs of Scotland in the Reigns of James IV., James V., Queen Mary, and James VI., from which the best Historians of that Period have derived much of their most authentic Information. This Collection ought to be examined with Care, and a judicious Selection from it would prove an invaluable Addition to the Materials of our genuine History.

The Secretary produced the Transcript by Mr. Macpherson, mentioned in Mr. Thomson's last Letter.

RESOLVED, That it will be expedient, instead of an Abstract of the Rotuli Scotiæ, to have a complete and entire Copy thereof made.

ORDERED, That the same be accordingly transcribed, and one or more Fac Similes of the Hand-writing made for the Purpose of being engraved, as has been ordered and carried into Effect in like Cases, and that the same be put to Press as soon as possible; the Transcript to be made by Mr. Macpherson, and corrected through the Press by him.

Report upon the Contents, Method, and Uses of the Rotuli Scotiæ,
and of the Progress made towards their Publication.

I. The Contents of the Rotuli Scotiæ are, the Mandates issued by the Kings of England, from 19 Ed. I. to 22 Ed. IV, respecting their attempts to conquer Scotland; their Commissions for Truces and Treaties of Peace; and other Negotiations and Matters concerning that Kingdom, and the English Inhabitants of Berwick, and other Parts of Scotland occupied by the English. The Records concerning Scotland, posterior to 22 Ed. IV, are to be sought for in the Chapel of the Rolls. [*Ayloffe's Calendar, Pref. p.* lii.] There are also many Mandates in the Patent and Clause Rolls, which, properly selected, might make a useful Supplement to the Rotuli Scotiæ.

II. The

II. The Method of conducting the Work, since the Commissioners gave Orders for printing, has been to make each Mandate as nearly a Fac-simile of the Writing as printing can approach to it. The only Additions are the Arguments, which, agreeable to the first Instructions I received, I have prefixed to each Mandate, instead of the very unsatisfactory ones written on the Margins of the Rolls, which are even frequently omitted entirely, together with some marginal Notices of Errors and Deficiencies in the Writing, and the true Reading of some Names of Persons and Places, so much perverted as to mislead the Reader, also given on the Margin. The Contents, and every other Notice of which I am the Author, are distinguished by Italic Letters.

In order to avoid the useless lumbering, and unnecessary Expense, of printing Repetitions, which frequently occur, I refer the Reader to the first Appearance of the Mandate, wholely or partly repeated; and I have also saved the Expense of transcribing and printing many whole Membranes of Names of Persons who had Protections from Arrest and Pardons for Crimes for serving in the Wars against the Scots, as being of no historical Use, carefully preserving, however, the Places and Times at which they were granted, for the Sake of showing the Movements of the Kings.

I soon found the Inconvenience and Impropriety of leaving the Mandates in the very irregular Order in which they are written, each being apparently entered as it was brought to the Office for Registration; and I have arranged them chronologically for the Sake of historical Elucidation, as Rymer, my Predecessor in a similar Labour, has done in the Fœdera.

Of the Two Rolls in the Chapter House, mentioned in Mr. Thomson's Letter of 25th November 1807, one is already printed, and the other will be duly attended to. In carrying the Work through the Press, I have bestowed every possible Attention upon the Correctness of it, and in having the Marks of Contraction as uniform as the prescribed Resemblance to the Original will permit. It may be observed that the most of the typographical Errors occur in the Contractions, and that they render the Labour of correcting the Proofs a vast deal heavier than that of correcting what is printed from common Writing.

III. The chief Materials of the Rotuli Scotiæ are, Orders for levying, arming, and victualing, the Armies, and for marching against the Scots;—Orders for pressing Ships and Seamen, and for Expeditions offensive and defensive;—Appointments of Commanders, Instructions to them, Orders for issuing Pay for themselves and their Men, and the Rates of Pay allowed to every Rank in the Army;—Grants of Estates (mostly forfeited ones) to Officers and others as Compensation for Services, in some of which may be seen the different Value of an Estate in Scotland, liable to be reoccupied by the right Owner, and one of indisputable Title in England, of the same Rental;—Orders for raising Money by Contributions, by feudal Services, Forfeitures, selling and letting Lands, Houses, and Fisheries, by Customs on Exportation of Merchandize at Berwick, by additional Subsidies, frequently abrogated as being contrary to the ancient Laws of Scotland, which the Inhabitants stipulated for the Enjoyment of, when they surrendered their Town, and for the Application of the Sums collected;—Orders for collecting Provisions and Arms in the various Shires for the Use of the Army and Garrisons;—for garrisoning, fortifying, and victualling, the Castles and other Places in Scotland, occupied by the English;—for Support allowed to Prisoners of War and Exiles, and to their Families, according to their Rank, and Agreements for the Ransom of Prisoners: And many Notices of Prices, or rather of the Value of Money; with an endless Variety of other curious and useful Matter.

The Utility of drawing forth from the Invisibility of Manuscript this rich Fund of unquestionable historical Document, may be in some Degree estimated from the above Enumeration of Materials. It will be a guiding Star to future Historians, and will enable them to correct innumerable Errors, supply innumerable Defects, and clear up many Obscurities, in the Histories of England and Scotland;—furnishing a Store of Materials, far superior to any Thing ever published, for a History of the English Army, the Nature of the Arms and Armour, the Names of some of which were totally unknown to Grose, the Historian of ancient Armour. And it throws a considerable Light upon the Naval Affairs of the Age, but not equal to the Information upon the Army, as the Navy was then very much inferior to the Army in Importance.

The Orders for the Levies may furnish Data for estimating the Population, or at least the comparative Population, of the Shires, as those for collecting Provisions may give an Idea of their comparative Fertility; and it will throw great Light on the Feudal Tenures, Wardships, Marriages, &c.

It will also be an ample Fund of Information for the Genealogists of both Kingdoms, and for those who make up Catalogues of Public Officers; and will give some Assistance to the Commentators upon Chaucer, Shakspeare, and other Writers, whose Language is now in a great Degree obsolete in England.

IV. It is proposed that the First Volume should close with the Reign of Edward III, which, by the best Estimate that can yet be made, will run to about 1000 Pages, and will contain about as much printed Matter as Three Volumes of Rymer's Fœdera, of the London Edition, the Type being much smaller, and the Printing much closer, to say nothing of the Contractions, and will be probably ready for Publication about the End of next Year. The Rolls of Richard II, Henry IV, Henry V, Henry VI, and Edward IV, together with an ample General Index, indispensibly necessary to such a great Thesaurus of valuable Information, may probably fill another similar Volume.

DAVID MACPHERSON,
Sub-Commissioner.

3d April 1812.

Appendix (M. 2.)

Plan of the Abridgment of RETOURS OF SERVICES in Scotland.

AT a BOARD of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on the 31st Day of July 1807;

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons;
The Right Honourable JOHN Lord REDESDALE;
The Right Honourable Lord GLENBERVIE;
The Right Honourable Sir WILLIAM GRANT, Master of the Rolls;
The Right Honourable ARCHIBALD COLQUHOUN, Lord Advocate of Scotland.

Read Mr. Thomson's Letter to the Secretary, dated Edinburgh, 9th May 1805.

Sir,

I have had the Honour of receiving your Letter, dated on the 7th Ult. relative to the Compilation of a General Index of Reference to the Register of Retours of Services of Heirs to Lands in the several Counties of Scotland, on the Model of a similar Work upon the Inquisitions Post Mortem in England; as to which you desire me to consider of a Person fit to undertake such a Work, and to inform you whether there are sufficient Materials for it, and from what Period.

For the Information of the Commissioners, I now beg Leave to submit the Observations which have occurred to me on this Subject.

As the Retours of Services in Scotland are not, I believe, in all Respects exactly analogous to the "*Inquisitiones Post Mortem*" in England, it may be proper to begin with a few Observations on the peculiar Nature and Purposes of the former. It is a Maxim of the Law of England, that "*Mortuus sasit vivum.*" In the Law of Scotland it has always been otherwise. With us, the legal Character of an Heir in Feudal Property, together with the Rights and Obligations attached to that Character, cannot be regularly transferred from the Dead to the Living but by a solemn Judicial Act. The Procedure for this Purpose has been established by immemorial Usage. The Person who lays Claim to this Character must, in the first Place, obtain or *purchase* in Chancery a *Brieve of Inquest*, or, as it is more properly called, a Brieve of Succession, directed to the Sheriff or Judge Ordinary of the County of District within which the Lands are situated. The Tenour of the Brieve admits of some Variations, according to peculiar Circumstances, but in all Cases it is calculated for the double Purpose of investigating the Rights of the Claimant, and of ascertaining and securing the feudal Casualties due to the Superior. Accordingly every Brieve contains a Command to the Judge to whom it is addressed, to ascertain by the Verdict of a Jury, in what Lands or annual Rents the Person deceased was feudally invested at the Period of his Death; if he had died at the Faith and Peace of the King; if the Bearer of the Brieve be the nearest lawful Heir of the Deceased in these Lands and annual Rents; if he be of the lawful Age; what is the annual Value of the said Lands, according to what is termed the Old and the New Extent; of what Superior they are feudally held; by what Species of Tenure; by whom they are at present possessed; and why and how long they have been so possessed. To each of these Questions a specific Answer ought to be given by the Jury; and their Verdict, when drawn up and authenticated in due Form, is called a Service, and is with the Original Brieve *retoured* or transmitted to the Office in Chancery from which it issued; where it is recorded, and where an authenticated Copy, commonly termed the Retour of the Service, is delivered to the Bearer of the Brieve. It would be superfluous here to enter into a more minute Detail of the Procedure in a Service, or to state the subsequent Steps prescribed by the Law for completing the Feudal Investiture in the Person of the Heir. In Illustration of the very general Account now given, I have annexed Copies of the Brieve of Inquest, and of a Retour.

A Service, such as has now been described, is, in the Language of our Law, called a Service in *Special*, but without a Reference to Investiture in any specific Feudal Property, it is sometimes desirable to establish the Character of being by Propinquity the nearest Heir of a Person deceased. In this View, the Forms of a Service or a Brieve of Inquest have been employed; although the Verdict of the Jury contains nothing more than a Declaration that the Ancestor died at the Faith and Peace of the King, and that the Bearer of the Brieve is his nearest lawful Heir. In Contradistinction to the former, this is termed a *General* Service, and is in like Manner *retourable* to Chancery.

Arrestment. (M. 9.)

Abridgment of Retours.

It is generally supposed, that the Practice of recording the Retours of Services is comparatively of modern Date; and the Reasons usually assigned for this Opinion are, in the first Place, that no Record more ancient than about the Commencement of the Reign of Charles I. is now known to exist; and secondly, because many original Services under the Seals of the Sheriff and of the Inquest, are to be found in the Repositories of ancient Families, contrary to the modern Practice of retaining the Original in the Chancery Office, and of giving to the Bearer of a Brieve only a Copy or Extract from the Record.

Whatever Truth there may really be in the Opinion now alluded to, the Reasons assigned for it are certainly inconclusive. That the Original Service or Verdict of the Inquest was always in the first Instance *retoured* to Chancery, cannot be doubted; because the Purposes of the Service, as they regarded the Interests either of the Superior or of the Vassal, could not otherwise be accomplished: And its subsequent Re-delivery to the Vassal can afford no sufficient Ground to infer, that it had not been previously recorded in the Registers of Chancery. That such Registers were kept, I consider as highly probable; and their actual Loss or Destruction is a Fact, of which, indeed, I cannot pretend to give any certain Account, but to which I find repeated Allusions in the Writings of our Lawyers during the 17th Century.

In the Report of a Case decided in the Court of Session, in the Year 1624 *, it is said, "The Lords found, that "Retours of elder Dates, before the Year 1550, ought not to be decerned to make no Faith for Non-production, "where the principal Service, sealed by the Assisers, is produced, albeit the same be not extant at the Chancellary, "nor extracted out of the same." In Allusion to this Case, Lord Stair, who wrote in the Reign of Charles II., has said †, that "the Service is kept in the Chancery for Warrant of the Retour; yet it was found, that Services "before the Year 1550 were sufficient to satisfy the Production in Improbations or Reductions, without producing "the Retour itself; *because at that Time the Books of the Chancery were destroyed by War.*" And in the Report of a Case decided in the Year 1698, it is stated in Argument ‡, that Services which had not been retoured to the Chancery were never sustained, "unless Services within a Regality, *or before the Year 1550, when the Records* "*were destroyed by the English.*"

I have quoted these Passages, because they contain the only Information I have ever discovered relative to a Fact which is not mentioned, so far as I know, by any contemporary Writer, but of the Truth of which there can be little Doubt. This Destruction of the Records of Chancery probably happened in the Month of May 1544, when the Town of Edinburgh, the Monastery of Holyroodhouse, and the Royal Palace adjoining, were burnt by the English Army under the Earl of Hertford §.

Whatever the Nature or Fate of the more ancient Records of Chancery may have been, it is certain that the earliest Volumes of the Record of Retours of Services which now exist, are not of older Date than about the Year 1630, when the Formation of a Register was begun, without any Public Authority, by Sir John Scott of Scotstarval, who then held the Office of Director of Chancery. The earlier Volumes of this Record consist of a miscellaneous Collection of Retours, of which the oldest is dated in 1547, but of which the Number prior in Date to 1600 is inconsiderable. From the Year 1600 to 1630, the Collection becomes gradually more ample, and approaches somewhat nearer to a regular chronological Order. From the Year 1630 downwards to the present Day, the Record may be considered as nearly perfect; and the chronological Exactness of its Arrangement appears to be disturbed only by those accidental Irregularities which may have occurred in retouring the Brieve and Service to Chancery, and by the occasional Introduction of a few more ancient Services, which had never been regularly retoured, or which were anterior in Date to the Commencement of the present Record. The whole Collection amounts to 93 Volumes in Folio; of which only one, relative to the Years 1610—1614, is missing.

In stating that the Record may be considered as complete, from the Period of its regular Commencement in 1630, I proceed upon the Information of the present Officers in Chancery, aided by the general Presumption arising from the Interest of Individuals in following out the necessary Steps towards a feudal Investiture in Estates of Inheritance. This Presumption, however, does not apply with equal Force to General as to Special Services; and there is Reason to suppose, that many general Services, even of a modern Date, have never been retoured to

---

* Durie's Decisions, p. 111.

† Institutions of the Law of Scotland, iii. 5. 41.

‡ Fountainhall's Decisions, vol. i. p. 819.

§ The following Account of the Devastation of Edinburgh is given by an anonymous Writer, who appears to have been in the English Army.

"And finally, it was determyned by the sayde Lord Lieutenaunt utterly to raynaie and destroye the sayde towne with fyer; which, for "that the nyghte drewe faste on, we omitted thoroughly to execute on that daye; but settynge fyer in the thre or iiii. partes of the towne, "we repayred for that night unto our campe. And the nexte mornynge very erly we began where we lefte, and continued burnynge all that "daye, and the two dayes next ensuinge continually, so that neyther within ye wawles, nor in the suburbes, was lefte any one house unbrent, "besydes the innumerable botyes, spoyles and pyllages that our souldyours brought fro' theuse, notwithstandyng habundan'ce whiche was "consumed with fyer. Also we brent thabbey called Holy Rode-house, and the pallice adioynynge to the same."—*The late Expedicion in Scotlande &c.*—London. 1544.

Chancery, and of course have never entered the Record. This, however, is of but little Moment, compared with another Cause of Deficiency in the Register of Services both *Special* and *General*, which operated to a very considerable Extent during the Subsistence of local Jurisdictions of *Regality*. By the Grant from the Crown, establishing such Jurisdiction, the Lord of Regality was frequently authorized to have a *Capella* or Chancery of his own, from which Brieves of Inquest were issued, and to which the Services to Lands within the Regality were *retoured* in a Manner exactly similar to that which prevailed in the Royal Chancery. Prior to the Abolition of heritable Jurisdictions by Act of Parliament in the Year 1747, the Number of such Services must have been considerable; and I do not suppose, that in the ordinary Course of such Procedure, any of them were ever entered upon the Public Records.

In spite of these Imperfections, the existing Record of the Retours of Services must be regarded as of very great public Utility, by exhibiting an authentic History of the Transmission by Inheritance of the greater Part of the Landed Property of Scotland, as well as of the Descent of the greater Number of considerable Families, during the Course of the Two last Centuries. The earlier Volumes, containing Retours prior to the Year 1681, derive a peculiar Value from the Evidence they afford of those Valuations of Land denominated the Old and New Extents, which are the great Standard of *Freehold Qualification* in the Counties of Scotland. It is scarcely necessary to add, that these Records, though not originally instituted by public Authority, have long been admitted as Evidence in the Courts of Law. Hitherto, however, their general Usefulness has been greatly diminished by the Difficulties of Research, occasioned by the Want of such an Index of Reference as the Commissioners have it now in Contemplation to supply.

In considering the most eligible Mode of framing such an Index, I have examined the Structure and Contents of the Record with Attention, and have had Opportunities of consulting some of the most skilful and experienced Gentlemen of the Law. On some Points I have not been able to form a very decided Opinion; but I shall now beg Leave to submit the Result of my Observations for the Consideration of the Commissioners.

The very marked Distinction between General and Special Services, the former of which have no immediate Relation to Lands, suggests an obvious Separation of the Contents of the Record into Two Departments. The Index of Reference to General Services, admits of only one Mode of Construction, by the alphabetical Arrangement of the Names of the Persons *served and retoured*; unless perhaps the Names of the *Ancestors*, as well as of the *Heirs*, should be introduced into the List.

On what Principle the Index of Reference to Special Services ought to be framed, is a Question of greater Difficulty.

As the Lands may here be considered as the Object of primary Importance, an Arrangement exactly similar to that of the proposed Index to the *Inquisitiones post Mortem*, seems at first sight the most eligible; and if each Service related only to one Parcel of Lands, a Subdivision of the Whole into Counties, and an alphabetical Arrangement of the Lands in each, would of course be extremely easy; and, if under such Entry in the List, there were introduced the Date of the Service, the Names of the Heir, and the Ancestor, the Extent of the Lands, and the Volume and Folio of the Record, it would only require the Addition of a relative Index of the Names of Persons to make the Work as complete as could be wished. But in the Whole of the Record there is scarcely to be found a single Service which does not relate to several Parcels of Land, and in a very great Number; there are from Eight or Ten, to Twenty, Thirty, or Forty such Parcels; and without a separate Entry of each of these, the Object of a Research might often be defeated, and the Work could not be considered as even tolerably complete. If, therefore, the Plan of the Index to the *Inquisitiones post Mortem* were to be retained, it would of course be necessary under the Entry of each Parcel of Lands to repeat the same Particulars of the Date, the Names of the Ancestor and Heir, and the Volume and Folio of the Record. By these unavoidable Repetitions the Bulk of the Work would be awkwardly swelled; while, at the same Time, the Parts of the same Service would be inconveniently disjoined and scattered.

In considering how these Difficulties might be obviated, different Plans have suggested themselves; but I shall content myself with mentioning that which, on the Whole, I conceive to be least objectionable. I must begin with observing, that to render the Work in question of that Degree of Utility of which it seems to admit, it ought in every Instance to exhibit; 1. The Date of the Service. 2. The Names of the Ancestor and the Heir. 3. The Name of every Parcel of Lands. 4. The old and new Extents of the Lands; and, 5. The Volume and Folio of the Register in which the Retour is recorded. Keeping this in View, I believe it would be found impracticable to carry an Alphabetical Arrangement further in the first Instance, than to the general Subdivision of the Whole into Counties. Retaining, therefore, this general Subdivision, which is attended with some obvious Advantages, I would beg Leave to suggest the Adoption of a Chronological Arrangement of the Services in each County: and under the particular Date of each Service, I would propose to exhibit as brief an Abstract as possible of the different Points entitled to a Place in the Work. In this Manner the Whole of the Information afforded by each Retour, would

APPENDIX, (M. 2.) Abridgment of Retours,

would be brought at once under the Eye; and whether the Investigation had an immediate reference to Persons, or to Lands, it might be rendered perfectly easy and certain by the Addition of Alphabetical Lists of Persons and of Lands, referring to the previous Abstract.

To illustrate the Nature of the Plan now suggested, I have subjoined a Specimen containing an Abstract of a few Services to Lands in the County of Aberdeen, taken from the first Volume of the Record of Retours. In this Specimen, the different Entries are perhaps more full than is absolutely necessary, and I have no Doubt that a very little Experience might suggest various Modes of convenient Abbreviation. The accurate Execution of such a Work would obviously be a Business of considerable Labour; but I am disposed to think that in its Details there would be less Risk of Error than perhaps on any other.

Though I have been at Pains to discover proper Persons, to whom the Execution of this Work might be committed, I have not been hitherto so successful as I could have wished. The present Clerks in Chancery are fully occupied by the ordinary Details of the Office; and there are few Professional who could easily be tempted to devote their Time and Attention to so laborious an Undertaking. In the mean Time, however, Mr. John Dillon, whom I have ventured to recommend as a Sub-Commissioner to assist me in the Compilation of the Parliamentary Records, would be willing to employ a Portion of his Leisure in the Work in question, until others should be found to relieve him.

It would be highly desirable to have the Work begun without Delay, upon a systematic and well digested Plan; and I trust that proper Persons would be found to take it up and continue it upon the Model thus set before them. It may be proper to add, that the Abstract of Retours contained in the Appendix, No. III. was drawn up by Mr. Dillon.

These Observations I submit with great Deference to the Judgment of the Commissioners. I have already hinted, that I had not been able to form a very decided Opinion on the Subject; and on that Account I have been the more anxious to furnish every Information which appeared to me of Importance to assist the Board in deciding on the Plan to be adopted.

J. Caley Esquire,
Secretary to His Majesty's Commissioners.

I am, Sir, &c. &c.

THO. THOMSON.

Appendix, No. I.

Maria, Dei gratia, Regina Scotorum, vicecomiti, et ballivis nostris de Aberdeen salutem: Mandamus vobis, et præcipimus, quatenus per probes et fideles homines patriæ, per quos rei veritas melius sciri poterit, magno sacramento interveniente, diligentem ac fidelem inquisitionem fieri faciatis, de quibus terris, et annuis reditibus, cum pertinentiis quondam Joneta Hepburne mater Willielmi Auchinlek latoris præsentium, obiit ultimo vestitus et sasitus, ut de feodo, ad fidem et pacem nostram, infra balliam vestram; et si dictus W. Auchinlek sit legitimus et propinquior heres ejusdem quondam Joneta Hepburne matris sui; de dictis terris et annuis reditibus cum pertinentiis, et si sit legitimæ ætatis; et quantum valent dictæ terræ et annui reditus cum pertinentiis nunc per annum; et quantum valuerunt tempore pacis; * de quo tenentur per quod servitium tenentur; in cujus manibus nunc existunt; qualiter, per quem, quam ob causam, et a quo tempore. Et quod per dictam inquisitionem diligenter et fideliter factum esse inveneritis, sub sigillo vestro vicecomitis, et sigillis eorum qui dictæ inquisitioni intererunt facientæ, ad capellam nostram mittatis, et hoc breve. Teste meipso. Apud, &c. die mensis —— anno regni nostri, &c.

Vicecomiti et Ballivis suis de Aberdeen.

Appendix, No. II.

Inquisitio hæc facta fuit in curia vicecomitatus de Abi' tenta in petorio ejusd Tertio die mensis Martii Anno Dñi Mellesimo quingentesimo quadragesimo nono coram honorabili viro Thoma Memzies de Pitfoddellis prepossito de Adb' ac vicecomite deputato dict' vicf' judice pro tribunali sedeñ per supscriptos viz Alexandrum fraser de Philortf' W^ma^ Turing de Foverne W^ma^ Udny de eodem Joannem Pantoũ de Pilmedden Thoman Annand de Achteralane Alexandrũ Buchan de Auchmacoy Wm Forbes de Thaistoun Alex^r^ Tulliedaff de Ranistoun W^ma^ Leith de Barnes Mağrum Ro^ms^ Lummidene Andream Wode de finersie Joannem Hay Chremondinogat Joannem Kempty de Carmuck Joannem Cheinem Balmadie Joannem Pantoun de Bulliñad Qui jurati dicunt quod quondam Joneta Hepburne dña de Schethin mater W^mi^ Auchinlek latoris pñtium obijt ultimo vestita et sasita ut de feodo ad pacem et

* The former of these Valuations is called the New Extent; the latter, the Old Extent. The History of these Valuations, particularly of the latter, has been the Subject of much Speculation among Scottish Lawyers and Antiquaries.

fidem

fidem S. D. N. Regine In tota et integra tertia parte ṫrarum et Baronie de Polgony cū teneñ tenañ et libere teneñ servitiis earond unacū molendinis multuris de suis pertineñ nec non tertia parti ṫrarum Schethin litle meldrum Tertie partis piscarie unius cymbe vulgo lie fish bait in portu maris de Pettindrume insimul ānexat et incorporat ac etiam in tota et integra alia ttia parte ṫrarum seu baronie antedict' vīz Polgony Moncur unacū dona'ne et advocatione cappellanie apud altare sancti dominici infra ecclesiam cathedralem ibid situat' alternatis vicibus cum vacare contigerit tertia pte terrarum de Westfeild Schethin litle Meldrum fingask Molendinorum et multuarū earund cum tenēn tenañ et libere teneñ servitiis earund unacum ttia parte piscarie unius cymbe vulgo lie fish bait in portu maris de Pettindrum cū pertineñ jaceñ infra vic' de Abirdene Et quā dict' W^mus est līmus et propinquior heres ejusd quondam Jonete matris sue de predict' una et altera ttia ptibus ṫrarum dictarū cum suis ptineñ suprascript' valent nunc p ānū octaginta libris Et quod tempore pacis añuatim Tredecim libris sex solidos et sex denarios Et quod tenentur in Capite de S. D. N. Regine per servitium warde et relevii Et quod fuerunt in manibus ejusd S. D. N. Regine per spatiū unius mensis ult' elaps^e Ra'ne nonintroitus per decessum dict' quondam Jonete matris ipsius W^mi veri sui heredis Jus suū huc usque minime prosequeñ Datum et clausum cum brevi desuper impetrat' sub sigillo officii vic' predict' nec non sigillis eorum qui dict' inquisitioni intererant die et loco prescript.

Appendix, No. III.

Aberdeen.

Willielmus Blakhall hæres W^mi Blakhall de eod' patris, in terris de Blakhall; Officiis *Forestariæ* et *Coronatoris* Regalitatis de *Gareoche*.—Ter. valent nunc £6.—val. temp. p. 40s.—Offic. val. nunc 30s.—val. temp. p. 30s. - - - - - - Lib. I. fol. 1. — No. 1. 1 Feb. 1547.

Alex. Cumming hæres Joannis Cumming de Coultircumming patris, in terris et Baronia de Coultircumming.—Valent nunc £80.—val. temp. p. £15. - - - - Lib. I. fol. 2. — No. 2. 1 Oct. 1549.

Georgius Barclay hæres Walteri Barclay de Eod. patris in dimidietate terr. de Moncoffer cum dimid. piscariæ ejusd. super aqua de Dovirne vocat lie Kirksyde Pottis, Halfuird; Dimid. terr. de Corskie; Dimid. terr. Cowiemure; Dimid. terr. de Fowlsie; Dimid. terr. de Auchinogorth, una cum silvis et nemoribus lie *Wodes* et *boiges* earund. Dimid. terr. de Kirktoun et Drumblait; tertia parte terr. de *Gerre*; terris de Newtoune de Gerrie cum Crofta et Brasina; Dimid. Molendini de Dumblait.—Valent nunc £40.—val. temp. p. £10. - Lib. I. fol. 9. — No. 3. 1 Oct. 1549.

Georgius Leslie hæres Margaritæ Wentoun matris, in quarta parte terrarum de Cauclarachie, quarta parte terr. de Drimdurno.—Valent nunc £6.—val. temp. p. 30s. - - - Lib. I. fol. 13. — No. 4. 1 Oct. 1549.

Andreas Fraser de Stanywode hæres Andræ Fraser de Muckallis patris in terris de Kynmundie.—Val. nunc £10.—val. temp. p. £5. — No. 5. 17 Oct. 1549.

Alexander Abercrumbie hæres Jacobi Abercrumbie de Pitmedden patris in terris de Pitmedden, Newtown Adeiscroft cum octava parte terrarum de Ardonie.—Val. nunc £8.—val. temp. p. 40s. - Lib. I. fol. 9. — No. 6. 29 Nov. 1549.

Willielmus Auchinlek hæres Jonetæ Hepburne dñæ de Schethin, in tertia parte terrarum et Baroniæ de Pologny; tertia parte terrarum de Scethin, Little Meldrum; tertia parte piscariæ, unius Cymbæ, lie Fish bait in Pettindrume; alia tertia parte terr. et Barroniæ de Pologny Moncur, Don. et Adv. Capellaniæ apud altare Sñi Dominici infra Ecclesiam Cathedralem alternatis vicibus; tertia parte terr. de Westfeild, Schethin, Little Meldrum, Fingask; tertia parte piscariæ unius Cymbæ lie Fish bait in Pettindrumie. —Val. nunc £80.—val. temp. p. £15. - - - - - Lib. I. fol. 3. — No. 7. 3 Mar. 1549.

Willielmus Hay hæres Patricii Hay de Chremound patris in terris et Baronia seu dominio lie Lairdshipe de Chremound.—Val. nunc £53. 6. 8.—val. temp. p. £12. - - - - Lib. I. fol. 12. — No. 8. 31 Oct. 1552.

Alexander Fraser hæres Gilberti Fraser Burgen. de Aberdeen, in Piscaria dimidiæ retis de Raik super aqua de Die.—Val. nunc £6. 6. 8.—val. temp. p. tantum. - - - - Lib. I. fol. 7. — No. 9. 11 Apr. 1553.

Jacobus Wod heres Willielmi Wod de Bonyntoun patris in terris de Birniscuik cum molendinis.—Val. nunc £30.—Val. temp. p. £6. - - - - - - - - - Lib. I. fol. 13. — No. 10. 29 Apr. 1553.

Robertus Innes hæres Roberti Innes de Innermarkie patris in terris et Baronia de Monitabbok cum Molendino, Advocatione ecclesiarum et Capellaniarum earund.—Val. nunc £60 —Val. temp. p. £20. - - Lib. I. fol. 11. — No. 11. 8 Maij 1553.

Robertus Cowtis hæres Joannis Cowltis de Auchtertoull fratris germani, in terris de Auchtertoull, viz. manerie de Auchtertoull cum molendino et terris molendinariis, terris de Stramoir, Straveltie, Tennamoune et Tayulty.—Val. nunc £20.—Val. temp. p. £6. - - - - - - - - - Lib. I. fol. 11. — No. 12. 31 Julij 1553.

Robertus Gordon hæres Joannis Gordoun de Halheid avi, in terris de Halheid et Colquondesland.— Val. nunc £12.—Val. temp. p. 3. - - - - - - - - Lib. I. fol. 6. — No. 13. 3 Oct. 1553.

Alexander Forbes hæres Jonetæ Gordon portionariæ de Coltlarachie matris in quarta parte terrarum de Coltlarachie et molendini; et in dimidietate sextæ partis terrarum et villæ de Garry, et in quarta parte terrarum et villæ de Drumdornachie—Val. nunc £10.—Val. temp. p. 30s. - - - - - - - Lib. I. fol. 6. — No. 14. 23 Jun. 1554.

Joannes Cheyne hæres Jacobi Cheyne patrui in terris de Crabbistoune—Val. nunc £12.—Val. temp. p. £3. Lib. I. fol. 6. — No. 15. 2 Oct. 1554.

Appendix, (M. 2.)
Abridgment of Retours.

Read also Mr. Thomson's Report, dated 29th June 1807, upon the Progress that has been made in framing an Abstract of the Record of Retours or Services, which is as follows:

REPORT.

In my Letter of May 9, 1805, I stated the Plan that I proposed to follow in the Compilation of this Work; and I had afterwards the Honour of submitting to the Board a small printed Specimen for illustrating the Mode of Execution that had occurred to me as in all Respects the most eligible.

Soon after I received the Order of the Board (July 12, 1805), sanctioning the Plan of the Work, its Execution was commenced, and with some occasional Interruptions has been advancing ever since.

It will be recollected, that in framing the Abstract of Special Services, it was proposed to dispose them Chronologically under the Names of the several Counties (alphabetically arranged) in which the Lands referred to respectively lie. In this View, I directed that the Retours should in the First Instance be taken in the Order in which they occurred in the successive Volumes of the Record; but that the Abridgement should be written in such a Form, that the different Articles might be cut out and arranged in that precise Order which they were ultimately to assume. In this Manner Five complete Volumes were accordingly executed, containing in all no less than 3191 Retours, and occupying in the Original 2696 Folio Pages of a crouded and difficult Manuscript.

When the Work had proceeded thus far, I became more fully aware than at its Commencement, that if it were continued on the Plan of abridging all the Retours in each Volume in Succession, no Part of the Work could well be sent to the Press, until the Whole was brought to a Close. To avoid this disagreeable and unnecessary Delay, I gave Directions that in abridging the subsequent Volumes, the Retours of Lands in the Counties of Aberdeen, Argyll, and Ayr, should in the first Instance be selected, and in this Manner above 1000 Retours, dispersed throughout Thirty Volumes of the Record (in Addition to those contained in the first Five Volumes), have been abridged; bringing down the Work to the Year 1681, which forms a noted Era in the History and legal Importance of Retours, in so far as regards those political Qualifications of which they are the appropriate Evidence. To facilitate the Operation of abridging, a separate Book has been opened for each County, the Entries in which are so made, as to admit of their being afterwards reduced into exact Chronological Arrangement. But while the Retours of Lands in the Three Counties above mentioned have been the primary Object, a great many Entries under the other Counties of Scotland have unavoidably been made, and in explaining this Circumstance, I am led to take Notice of one of the greatest Difficulties that has been experienced in the speedy Execution of the Work.

When the Lands to which an Heir succeeds, are situate in separate Counties, several Brieves addressed respectively to the Sheriffs of those Counties must be obtained, and it was originally the Practice to obtain a separate Service under each of those Brieves, in the Court of the Sheriff to whom it was addressed. For obvious Reasons of Convenience however, a Process was at length invented, by which all these Brieves might be brought to Trial in the same Court and by One Jury. This is accomplished by Means of a Commission issuing from Chancery, appointing certain subordinate Officers in the Court of Session to be His Majesty's Sheriffs in that Part (or for that Special Duty) by whom One complex Retour is made comprehending a Service of the Heir in all the Lands in the different Counties to which the Brieves relate. In the Retours of many of the opulent Families of Scotland, Ten or Twelve different Counties come in this Way to be alluded to; and in abridging such Retours, upon the Principles of County Arrangement, it thus becomes obviously necessary to break them down into different Parts, and to enter each of these Parts under the Name of the County to which the Lands belong, repeating in this Manner, under each County the general Entries of the Names of the Heir and the Ancestor. In the Detail of the Work, many minute and perplexing Difficulties have occurred, by which the Rapidity of its Progress has been somewhat retarded, and I have been repeatedly urged to abandon altogether the County Arrangement, and to adhere to the miscellaneous Disposition of the Entries in the original Record. After weighing the Objections, however, with all the Attention in my Power, and after consulting with some of the most intelligent Persons in the Profession of the Law, I determined still to persevere in the original Plan; being in my own Mind thoroughly persuaded, that the Difficulties and Delays of Execution, and even many minute Errors and Defects would be amply compensated by the practical Advantages of a Sub-division into Counties. I have the Satisfaction of adding, that in this I have the Approbation of the Lord President of the Court of Session, to whose Judgment I submitted the Points in Question. If it should be the Wish of His Majesty's Commissioners to receive any further and more detailed Explanation on the Subject, I shall be happy to obey their Commands.

In spite of the Difficulties to which I have alluded, I have the Satisfaction to state, that with the Approbation of His Majesty's Commissioners, we shall be able instantly to commence the printing of the Work. This Measure is rendered the more practicable by the peculiar Nature of the Work, in which the Abridgment for each County will form in some Degree a separate Whole, having its own particular Indexes of Persons and of Places; and will thus admit of being distinguished by separate Series of Signatures and of Pages. I would therefore propose to begin by printing in this Manner the Abridgment for the Counties of Aberdeen, Argyll, and Ayr, from the earliest Period of the Record, to the 16th of September 1681. Each of these might be afterwards continued down to the present Day; but having completed this First Part of the Abridgment of these Three Counties, I would propose to resume the Abridgments of the other Counties, and bring them down to the same Period. This Mode of Publication may seem to give the Work in a broken and disjointed State; but after the fullest Consideration, I am satisfied

satisfied that it will prove by far the most convenient and expeditious, and when the whole Work is thus completed, the different Parts of it may be arranged with the utmost Facility in their proper Order.

I am not at present prepared to state, the probable Extent of that Part of the Abridgment which I have suggested the Propriety of immediately Printing; but it will obviously afford a respectable and I trust an useful Specimen of a Work that is already expected with much Anxiety. Before committing any Part of it to the Press, it is my Intention to submit the Abridgment for each County to the Examination of some of those Individuals whose local Knowledge will enable them to detect Mistakes and suggest Corrections of the Names of Persons and of Places; this Precaution is rendered adviseable not merely by the Probability of occasional Oversights in the Compilation of the Abridgment, but by the numerous Errors that occur in the Record itself. These Errors I was desirous of correcting, in the first Instance, by having Recourse to the original Retours, preserved in Chancery, which are "Warrants" of the Record. Upon Enquiry, however, it was discovered that they were lying on the Floor of one of the lower Apartments of the General Register House, in a State of the utmost Confusion and Neglect; that even those of a very recent Date could not easily be found, and that the Whole, consisting of many Thousand detached Parchments, were, in consequence of mere Neglect, going rapidly to Decay. These Circumstances I lost no Time in making known to the Earl of Rosslyn, Director of His Majesty's Chancery; by whom the utmost Readiness was expressed to defray the Expence of having the whole examined and arranged in proper Order; an adjoining Apartment has accordingly been fitted up for their Reception; and Two Persons are now employed under my Direction in the Execution of this laborious but most indispensable Task. I trust that the Arrangement of the Whole will be completed in Time to furnish the Means of checking the occasional Errors and Obscurities that are to be met with in the Record of Retours.

RESOLVED, That the Board doth approve of the Plan suggested in the said Report, and authorize Mr. Thomson to proceed therein without Delay. And that the Progress made in the Compilation and Printing of this Work be stated in Mr. Thomson's Quarterly Reports to this Board.

EXTRACT from Mr. Thomson's Fourteenth Quarterly Report, March 1811.

RETOURS OF SERVICES.

According to the original Plan of this Work, nothing more now remained to be added, excepting the Indexes of Persons and of Places, of which a considerable Number are ready for the Press, and all the rest in Progress. On this Part of the Work we were about to proceed, when our Attention was arrested by a Discovery of very considerable Interest and Importance. In abridging the Retours, it was made an invariable Rule to follow the Orthography and other Peculiarities of the Record; but as it was suspected to contain many minute Errors, it was intended in printing the Indexes to introduce such Corrections as might occasionally be obtained from a Collation of the Record with the original Retours preserved in Chancery.

It will be recollected, that it was chiefly with this View that in 1807 the Arrangement of the original Retours was first suggested and undertaken. On a careful Examination of them, it has now been ascertained, that of many Retours of earlier Date, the Record has either been lost or never has been made. And that from this Source may be drawn an authentic and invaluable Supplement to the existing Books of Record. Many of these original Retours are much injured, some of them nearly illegible, and all of them require to be cleaned. When this has been done, it will be proper to transcribe them into Books, and to print the Abridgement of them as a Supplement to the Work now in the Press. Of its probable Extent no accurate Estimate can yet be formed; but it is at present conjectured, that it may be equivalent to Two or Three of the earlier Volumes of the Record. In order to give due Authority to these Supplemental Books as a Public Record, an Act of Sederunt of the Court of Session may probably be necessary.

STATE of PROGRESS in the Execution of the Orders of His Majesty's Commissioners on the Public Records of the Kingdom, so far as relates to Scotland; September 1, 1811.

Classes of RECORDS.	MEASURES ORDERED, and IN PROGRESS.	STATE OF PROGRESS, September 1, 1811.	REMARKS.
Retours of Services.	An Abridgement of the Record of Retours of Services preserved in Chancery, from its Commencement to the Close of the 17th Century, systematically arranged; with a Supplement, containing a similar Abridgement of Retours, the Originals of which are preserved in Chancery, but of which there is no Record.	The Abridgment of the Record has been formed, and printed in Two Volumes. Indexes of Persons and Places are nearly completed. The Materials of the Supplement have been selected; and their Transcription, previous to Abridgment, is in considerable Progress.	The Portion of the Work already completed, comprehends an Abridgment of nearly 50 Volumes in Folio.

Appendix (M. 3.)

Plan of the Collection of Royal Charters of Scotland.

APPENDIX, (M. 3.)

Royal Charters.

EXTRACT of Mr. Thomson's Ninth Quarterly Report, December 1809.

AS an introductory Part, I should propose to prefix to this Work, certain Instruments and Inventories relative to the Public Muniments which existed in Scotland, towards the Close of the Thirteenth Century, at the Period of the Competition for the Crown between Balliol and Bruce. These Instruments and Inventories have been preserved in the Record Offices in the Tower of London, and the Chapter House of Westminster Abbey. They contain the most authentic Evidence that remains of the Nature and Extent of the Public Records of Scotland prior to the Accession of Robert I., and are, on many Accounts, highly curious and valuable. In 1774 they were published by Sir Joseph Ayloffe, in a very defective and inaccurate State, and were again reprinted from Ayloffe's Work in the Introduction to the Index of Royal Charters, published at Edinburgh in 1798 *. During my Residence in London, in the Autumn of 1806, I had the Whole very carefully transcribed; and shall be able to present them to the Public in a more complete and accurate State than in the Publications above referred to. They ought, of course, to be accompanied with a succinct Narrative of Facts connected with the Removal of the Scottish Records from the Public Archives of the Kingdom in 1292, and their partial Restoration in 1296 †.

The Supplementary Part which I should propose to annex to this Volume has been mentioned in several former Reports and Communications to the Board. Of the Rolls of Charters granted by Robert I. only one is preserved in the General Register House, although there remain Office Calendars of no less than Twenty-four Rolls. From the same Set of Calendars it appears, that there formerly existed above Forty Rolls of Charters, granted by David II., all of which are lost; and the only Record of the Charters of that Reign now extant, is a Part of the First Book of the Register of the Great Seal, which contains a Transcript nearly contemporaneous, of a few of the Rolls. Of the Records of the succeeding Reign of Robert II. scarcely any Part indicated in the Calendars appears to be wanting; but of Six entire Rolls of the Reign of Robert III. only one is now extant.

It is now out of all Hope that this Loss should ever be repaired; yet it has appeared to me of great Importance, to collect from original Charters in private Custody, and from well authenticated Transcripts, such Materials as might, in some Degree, supply the vast Chasm that has been made by Time or by Accident, in this Class of the Public Records of Scotland. In this Work considerable Progress has been made. From the Cartularies of Religious Houses, and of Bishoprics, preserved in the Advocates Library, and in other Repositories, many Charters of Robert I. and David II. have been obtained. From a Manuscript Collection made by Thomas, first Earl of Hadinton, Lord Clerk Register, in the Reign of James VI. and now deposited in the Advocates Library, many of the more curious Charters of Robert I. and a few of David II. have been taken. Lord Hadinton's Collection bears evident Marks of having been copied from the Rolls of Charters indicated in the old Calendars, and now lost or destroyed.

From these Sources alone a very valuable Supplement to the Volume now in the Press might be formed; but a more copious, and evidently a still more authentic Source, yet remains in the Repositories of original Charters. Of this Description I consider the Charters to Royal Burghs, Universities, and other Corporate Bodies, as in themselves the most important, as well as the most easily accessible; and I have little Doubt, that the Archives of all the Corporations in Scotland would be laid open to any Investigation of this Sort which His Majesty's Commissioners might think fit to authorize. In the Charter Chests of private Individuals a still greater Mass of authentic Materials must be preserved, and might, with due Pains, be brought to light; but it must at once be obvious, that an extensive and minute Investigation of this Nature could not be accomplished, even under the most favourable

* The minute Errors of Ayloffe's Publication are very numerous. Among the more considerable Defects I may mention, that, of the largest Inventory, containing a Specification of the Records restored to John Baliol in 1296, one Half is entirely omitted. See p. 336.

† Prior to the Publication of Ayloffe's Calendars, the late Lord Hailes had perused these Catalogues of Ancient Muniments, in a Copy which is at present in my Possession.

Auspices,

Auspices, but at the Expence of many Years active Industry and unwearied Labour. From such an Undertaking, the most zealous Antiquary would probably be disposed to shrink: yet I am far from thinking that this particular Source of Information ought to be altogether abandoned. I persuade myself, that if the Nature and Purposes of this Plan were generally understood, many of those who possess original Charters, of the Period in question, would willingly produce them, and permit their Transcription; and I should, in particular, be prepared to expect a very useful Co-operation from the Society of Writers to His Majesty's Signet, to whom an Acquaintance with ancient Title Deeds almost exclusively belongs.

In this View, it has appeared to me, that the immediate Publication of the Twelve Rolls, and First Books of Charters, as the First Part of a Volume, might be highly expedient; by a judicious Distribution of which, among such Persons as were most likely to promote an Investigation of this public Nature, a strong Degree of Attention to the Subject could not fail to be excited, and might be expected to produce very beneficial Effects. If this Suggestion should meet the Opinions and Wishes of His Majesty's Commissioners, I should employ all the Means in my Power to hasten the Completion of what would thus appear as the *First Part* of a Collection of Royal Charters. It will be for the Consideration of the Board, whether the more general Distribution of the First Part might not be postponed till the Experiment here proposed had been fairly tried, and till the Supplemental or Second Part of the Volume were also in Readiness for Publication.

EXTRACT from Mr. Thomson's Twelfth Quarterly Report, September 1810.

At a Board of His Majesty's Commissioners on the Public Records, held on the 15th of June, it was "Resolved, "That it will be important to obtain Inspection, and make exact Copies of all Royal Charters of which the Record "formerly existing in His Majesty's General Register House has perished or been lost: "And it was ordered, "therefore, that Mr. Thomson do proceed, under the Sanction of this Board, to make Applications and Requests "to the several Corporations and Universities throughout Scotland, for their Communications and Assistance, so "far as they may be disposed to promote the Object in View."

In pursuance of this Order, and of the Plan contained in my previous Communication to the Board, a Letter was addressed to the Preses of the General Convention of the Royal Burghs of Scotland, dated July 11, 1810; in which the Attention of the Meeting was called to the Nature and Purposes of the Work now in Progress, under the Authority of His Majesty's Commissioners, and in which the Importance of obtaining Access to the Archives of the several Burghs, was pointed out; with a View to which the previous Sanction and Recommendation of the Measure by the General Convention might be of Importance, and would afford to His Majesty's Commissioners the best Assurance of the due Attention of the several Burghs to this National Undertaking.

The immediate Result of this Communication has been highly satisfactory. On the 12th of July "the Con- "vention having considered the same, and being satisfied of the great Importance and Utility of the Work alluded "to, recommended to the whole Royal Burghs to afford every Facility in their Power to Mr. Thomson, or those "acting under his Authority, in the Execution of the said Work."

In following out this Proceeding, it has been judged expedient, in the First Instance, to address a circular Letter to the Chief Magistrate of every Royal Burgh in Scotland, inclosing a Copy of the Minute of the General Convention, and requesting that there might be transmitted a general List of all Royal Charters and Grants prior in Date to the Reign of King James the Fourth, to that particular Burgh of which either the Originals, or authentic Copies, were preserved, and also of such other Charters to Individuals, to Bishops, to Religious Houses, or to other Bodies Corporate, as might now be deposited in the Custody of the Burgh.

In answer to this Letter, only a few Communications have been yet received: but these have been satisfactory; and little Doubt now remains, that from the Archives of the Royal Burghs, very valuable Contributions will be obtained for completing the Collection of Royal Charters, from the Accession of Robert I, to the Return of James I, as well as for aiding the other proposed Collections of this Description.

In the mean Time, Inspection has been obtained of various original Charters in private Custody, particularly of some of the more ancient Families in Scotland, and Transcripts of these have been made. This is a Source which it is difficult to explore without being lost in a bewildering Detail: but though there is no reasonable Chance of exhausting it, yet a great deal will probably be procured to enrich the proposed Collections of the ancient Royal Charters of Scotland.

APPENDIX, (M. 3.)

Royal Charters:

EXTRACT from Mr. Thomson's Thirteenth Quarterly Report, December 1810.

In the Prosecution of the Plan detailed in former Reports, very considerable Progress has been made in the Collection of Original Royal Charters, of which the Record is lost.

In return to the Circular Letters addressed to the Chief Magistrates of the Royal Burghs, numerous Communications have been made containing Inventories of the Charters in their respectives Archives; and in many Instances, the Charters have also been transmitted. In this last Respect some little Hesitation indeed, has been felt by the Magistrates and Clerks of several Burghs, yet I do not despair of soon being able to obtain faithful Transcripts of every existing Royal Charter coming within the Limits of the present Investigation. Many other important Communications have been also made from the Repositories of private Families, which have afforded Evidence of the mutilated State of the existing Records far beyond what is generally known or suspected.

EXTRACT from the Fifteenth Quarterly Report, June 1811.

1. In the Collection and Transcription of ancient Royal Charters from Originals in private Custody, and from Chartularies of religious Houses, further Progress has been made. From several Royal Burghs Communications have been received, and some valuable Additions made to the proposed Supplement of the Work already printed.

2. The Abridgement of the Register of the Great Seal is now in regular and steady Progress. After a great deal of Consideration given to the Subject, in which I have availed myself of the best Advice I could obtain, the precise Form and Mode of this Abridgment have been settled, and as Specimen of the Work, I have printed the Abridgment of a few of the earlier Charters, James III. It is one of the Advantages of the Form into which the Work is thrown, that the Charters of each Reign may be separately printed without regard to what shall precede or follow in the final Arrangement of the Whole; and I hope, in consequence, to be able, in a few Months to put to Press the Abridgement of the Charters of James III, which are now in rapid Progress.

STATE of PROGRESS in the Execution of the Orders of His Majesty's Commissioners on the Public Records of the Kingdom, so far as relates to Scotland; September 1, 1811.

Classes of RECORDS.	MEASURES ORDERED, and in PROGRESS.	STATE OF PROGRESS, September 1, 1811.	REMARKS.
Royal Charters.	(1.) Collection, Transcription, and Printing of Select Royal Charters, from the earliest Period of authentic Record, to the Union of the Kingdoms of Scotland and England, in the Year 1707. THREE PERIODS. I. Prior to the Accession of King Robert I. A.D. 1306. II. From the Accession of King Robert I. to the Return of King James I. A.D. 1424.	FIRST PERIOD. In the Transcription of Charters, selected from the Registers of Bishoprics and Religious Houses, and from Originals in the Archives of Royal Burghs, and of ancient Families, considerable Progress has been made. SECOND PERIOD. The earliest remaining Records of Royal Charters, contained in 12 Rolls and one Book, have been printed, extending to 256 Pages. A Supplement to the Records of this Period, drawn from the same Sources as in the First Period, and also from some authentic Transcripts of the Records of Charters now lost, is in an advanced State of Preparation for the Press.—Indexes of Persons and Places are in Progress.	The Charters of this Period are to form the First Volume of a Series; but will not be printed till those of the later Periods have been finished. This Volume is to form the Second of the Series of Select Royal Charters.

STATE of PROGRESS, &c.—*continued.*

Classes of RECORDS.	MEASURES ORDERED, and in PROGRESS.	STATE OF PROGRESS, September 1, 1811.	REMARKS.
Royal Charters. *continued.*	III. From the Return of King James I. to the Union, A.D. 1707.	THIRD PERIOD. The regular Transcription of the Charters of this Period is not yet commenced.	
	(2.) Abridgement of the Register of the Great Seal, from the Accession of King. Robert I. to the Period of the Union, 1707.	FIRST PERIOD. The Compilation of an Abridgement, both of the existing Records of this Period, and of those now lost, but of which several Calendars and partial Abridgements are preserved, is in considerable Progress.	
	TWO PERIODS. I. From the Accession of King Robert I. to the Return of King James I.		
	II. From the Return of King James I. to the Union.	SECOND PERIOD. The Registers of the Great Seal for the Reigns of James I. and James II. (being Books 2d, 3d, 4th, and 5th of that Record) have been abridged; and those for the Reign of James III. are in regular Progress.	A Specimen of this Work has been printed, containing the earliest Charters of James III.

EXTRACT from the Seventeenth Quarterly Report, December 1811.

1. Collection and Tranſcription of Charters not preſerved on Record.

The original Charters, communicated by public Bodies and by private Individuals since the Date of the last Report, have not been numerous; but some of them, particularly those of the Burghs of Cupar and Dumbarton, are valuable Additions to the former Collection. Many more have been promised, and in the Hope of accelerating such Communications, I shall immediately address another circular Letter to the Clerks and Chief Magistrates of the Royal Burghs, and a circular Letter to all the Clerks of His Majesty's Signet, whose Means and Intelligence afford the Hope of a very hopeful Result.

I have given Directions for framing a List of all the Charters already obtained for the proposed Supplement to the Register of the Great Seal, from the Accession of Robert I. A.D. 1306, to the Return of James I. A.D. 1424, arranged in the Order of Time, and exhibiting in Columns; 1. The Title of each Charter; 2. The Date; 3. The present Place of Deposit; 4. Its Place in the old Inventories of Rolls or Books now lost or destroyed; and 5. Such Remarks as to its Authenticity and State of Preservation, as may be necessary for deciding on the Propriety of its Insertion in the proposed Supplement.

It may be recollected, that the Plan of this Collection of Charters was partly suggested by those Calendars or Indexes of the Rolls of Robert I., David II., and of Robert II. and III., which appear to have been framed about the Beginning of the Seventeenth Century, one of which was printed by Lord Frederick Campbell in 1793. In these are inserted the Contents of Fifty-one Rolls of Charters not now existing in the General Register House, and of the Fate of which no Traces are preserved. And had the Researches of the Lord Clerk Register for these lost Records been as successful as was earnestly to have been wished for, it might at first have been concluded, that the Register of the Great Seal for that Period had been restored to its original Integrity. But the Communication of original Charters already made to me, in pursuance of the Resolutions of His Majesty's Commissioners, has led to a very different Inference. Of these Charters the Proportion which is found entered in the old Indexes or Calendars does not exceed One Half, and it is therefore impossible to doubt, that either the Record must have been originally defective to that Extent, or that at least One Half of it had been lost prior to the End of the Sixteenth Century, when those Calendars were framed. The Second of these Alternatives is certainly the most probable, and the Consideration of it cannot fail to suggest additional Motives to Perseverance in the Attempt to supply the Chasms of the existing Register, by those Means which yet remain within Reach.

Appendix, (M. 3.)
Royal Charters.

In former Reports and Communications to the Board, I have stated that very important Additions to the Collection of Royal Charters, were to be drawn from the Episcopal and Monastic Registers of Scotland; of these a considerable Number are preserved with great Care in the Advocates Library; from several of which the Royal Charters of Robert I. and his immediate Successors till the Return of James I. have been already extracted. Several others are known to be in the Hands of private Individuals, the Use of which, for the Purposes now in Contemplation, will I trust be obtained by the Influence of the Board. I have already had Occasion to mention the obliging Communication of the Register of the Priory of St. Andrews, from the Library of Panmure, and several other ancient Registries, as well as many original Charters, are also preserved in the same Collection, the Use of which has been very liberally offered by Mr. Maule. In the mean Time, a complete Copy of the Register of St. Andrews was begun in October last, and has been in regular Progress.

The antient Chartularies and other Muniments of the Church of Glasgow were carried to France by Archbishop Beaton at the Æra of the Reformation, and were deposited in the Library of the Scots College, and in the Charter House at Paris. Of these Chartularies and original Charters select Transcripts have been made at different Times, under the Direction of the Heads of the College, and presented to the City, and to the University of Glasgow. At an early Period of my Proceedings in Execution of the Orders of the Board (May 7, 1806), "for obtaining and transcribing all such Royal Charters as may be found to exist either in Public or in Private "Repositories, and which are not at present to be found in the Register of Charters in the General Register "House," these authenticated Extracts, from the antient Chartularies of Glasgow were very liberally communicated to me by the City and the University for the Use of the Record Commission, and all the Royal Charters which they contained, were then copied under my Direction. It was then feared that these ancient Chartularies had perished in the general Wreck of the Property of the Scots College during the French Revolution, and that their Loss had unhappily given to the Copies the Character and Value of Originals; but it has since been ascertained, that by the patriotic and fortunate Exertions of Mr. Macpherson, one of the Members of the College, the ancient Chartulary in Two Volumes, together with other MSS. of Value, were saved and brought into this Country. Of these, a Part including the Chartulary were for a Time deposited in the Custody of Mr. George Chalmers, to whose historical Researches they have proved eminently subservient, and by the Favour of that Gentleman, prompted by his Ardour and liberal Zeal for the Success of those Measures which His Majesty's Commissioners had undertaken, these invaluable Records were intrusted to my Care, and at present remain in my Custody.

Upon a careful Examination it has been found, that these Two Volumes contain various Charters and Instruments not included in the modern Selections above alluded to; and on the other Hand, that these Selections contain several ancient Charters copied from the Originals deposited in the Scots College, which had not been included in the Chartularies. I accordingly directed that the ancient Chartularies should be completely transcribed in the first Instance, and that such other Charters as are found only in the modern Collections belonging to the City and University of Glasgow should afterwards be added. The Transcript of the first and most ancient Volume of the Chartulary has been already completed with great Care; such Parts of the Second Volume as are not merely Duplicates of the First, are now in Progress, and the Whole including these Charters of which the Originals are probably for ever lost, will be completed as speedily as possible.

Of the future Destiny of these ancient Chartularies I can at present say nothing. That they ought to be deposited in the Register House, or in the Advocates Library, is abundantly manifest; and I persuade myself, that the respectable Person to whose Interference we are indebted for their Preservation, will of his own Accord take the proper Steps for saving them from all future Risks. It is under that Persuasion that I refrain from making any Remarks on the Question, to whom these Records of the Archbishoprick of Glasgow do of right belong.

Appendix (M. 4.)

Plan for Publication of the Parliamentary Records of Scotland.

AT a BOARD of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Wednesday the 16th Day of December 1807;

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.
The Right Honourable Lord FREDERICK CAMPBELL.
The Right Honourable Lord REDESDALE.
The Right Honourable Lord GLENBERVIE.
The Right Reverend JOHN Lord Bishop of BANGOR.
The Right Honourable WILLIAM WICKHAM.

I.—Read; REPORT OF THE LORD CLERK REGISTER'S PROCEEDINGS IN SCOTLAND, For carrying into Effect the Measures recommended by the Commissioners on Public Records.

At Conferences held in the Library of The General Register House, October 20th and 23d, 1807. PRESENT, The Right Honourable the LORD PRESIDENT OF THE COURT OF SESSION; The Right Honourable the LORD CLERK REGISTER; the Right Honourable the LORD JUSTICE CLERK; the Right Honourable the LORD CHIEF BARON; and the Right Honourable the LORD ADVOCATE; attended by MR. THOMSON, and the SECRETARY:

Read Mr. Thomson's printed Report, and the several Measures recommended by His Majesty's Commissioners thereupon, and RESOLVED, that this Meeting approving thereof, will endeavour to cause the Measures there recommended to be carried into Execution forthwith.

PARLIAMENTARY PROCEEDINGS, &c.—Mr. Thomson, Deputy Clerk Register, stated to this Meeting his Plan for the Publication of these Records, under the following Titles, viz.:

I. Acta Parliamentorum, being Legislative Acts.—II. Acta: 1. Dominorum ad Causas & Querelas audiendas, &c.; 2. Dominorum Concilij; these latter being Proceedings in Civil Causes. And, in Explanation of this proposed Arrangement, he made the following Statement:

"The Proceedings in Civil Causes, which are the Subject of this separate *Publication of Parliamentary* Records, are of Two Kinds. The one consists of the Decisions of a Committee which was usually chosen at the Commencement of every Parliament, and whose Sittings were continued from Day to Day, till that particular Parliament was prorogued or dissolved. The other consists of Decisions similar in Nature and Authority to the former, by Commissioners consisting of "*certain discreet Persons of the Three Estates*," who were usually nominated at the Close of Parliament, directly by the King, but sometimes also by the Parliament; and whose Sittings (or Sessions, as they are called,) were continued from Time to Time during the Intervals between different Parliaments. The Designation commonly given to the *former Class* of Judges was, "*Lords Auditors* of Causes and Complaints," or, "*Domini electi ad causas et querelas audiendas:*" the *Second* were usually denominated "*Lords of Council*," or "*Domini Concilii*," and sometimes "Lords of Session."

IN the Records which remain, those Two Classes of Proceedings are blended together. In the Books of Parliament, there are several Series of the Acts of the Lords of Council; and, *vice versa*, in the Records usually called the Books of Council, there are frequent Occurrences of Acts of the Lords of Parliament; and as an Illustration of their close Analogy and Connection, it may be remarked, that in the Books of Parliament, the Words "of Counsale" often appear to have been originally inserted, and afterwards cancelled, and the Word "Auditouris" sometimes substituted in its stead *. The Clerk Register and his Deputies acted as Record Officers to both Classes

* SEVERAL Instances of this will be found in the "Acta Dominorum Auditorum," (already printed), p. 1, 2, 3, &c. And in the second Column of page 2, an Instance will be found of the erroneous Insertion of the Words "of Coñsale" having been overlooked and left uncancelled.

Appendix, (M. 4.) Parliamentary Records.

of Judges; and it is not difficult to imagine how such Substitution of the one Name for the other should have happened in the hurry of writing. The Powers and Functions of the Two Courts, so far as appears, were essentially the same; the Causes which had originated before the one were resumed by the other, and might thus be advanced in their successive Stages alternately, by the one and the other.

[redacted]hese Circumstances, it was by no Means obvious and certain, that the Chronological Order of these Two Descriptions of Proceedings ought to have been broken. After very full Consideration, however, a Separation was judged expedient; and accordingly the Acts of Lords Auditors have been printed as the first Series. These, in so far as any Record is now preserved, commence in 1466, and terminate in 1494.

In commencing the other Series, although it makes Part of the same Volume, I have thought it expedient to begin a New Enumeration of Pages; among my Reasons for which, have been the Hope of still adding some Pages to the *Acta Auditorum*; the Propriety of having separate Indexes for the Two Series; and the Possibility that some Possessors of the Book might have the Desire of keeping the *Acta Dominorum Auditorum* entirely separate from the *Acta Dominorum Concilii*.

In a very broken Series, exhibiting several Chasms, the Record of this Class of Proceedings is continued downwards to 1503, when the *Daily Council* for the Decision of ordinary Causes was instituted; whose Proceedings then became intermingled with the former, and are continued without Discrimination till the Institution of the present College of Justice in 1532. In the Course of this last Period, and particularly from the Death of James IV. the same Record becomes also blended with Proceedings of a Description generically different, and which I have formerly had Occasion to point out to the Notice of the Board, as affording Materials for a preliminary Part to the Register of Privy Council. These I now allude to only for the sake of observing, that they do not at all enter into the Plan of the Volume now in the Press, which embraces only the Proceedings in certain Civil Causes of that Class of Lords of Council, who have been usually described by our Writers as a Committee of Parliament, but who, more accurately speaking, constituted a Parliamentary Commission, for the Dispatch of certain Kinds of Judicial Business, during the Intervals of different Parliaments.

These very general Observations I have thought it necessary here to introduce, in Explanation of the Work now in progress. They relate to a Subject of very considerable intricacy and obscurity, on which many erroneous Opinions have been held, and to the full understanding of which a long Discussion would be requisite. That obscurity and intricacy can be dispelled only by a careful Examination of those Records which are now about to be offered to the Public, and which have been hitherto unexplored by any of our Writers on the History of Scottish Jurisprudence.

RESOLVED, on full Consideration of the Subject, that it will be expedient that the Publication of the Records of Parliament should commence with the Reign of James the First, and be carried on progressively, without any Delay; and that it should be divided into Two separate Series, the Statutes and all other Proceedings held in full Parliament to form one of these, and the Judicial Proceedings in private Civil Causes, held before Committees of different Kinds, to form a separate Series; the First of these to be printed as the Second Volume, or the Second Part of a First Volume, in order to leave Room in the Series of Volumes for the more antient Parliamentary Proceedings prior to the Reign of James the First, of which a complete Compilation is not yet ready for Publication.

EXTRACT from Mr. Thomson's Twelfth Quarterly Report, September 1810.

For enlarging and correcting the Collection of Parliamentary Proceedings in the Reign of James the Second, a Reign as singularly obscure as it is important in the History of Scotland, some very valuable Materials have been recently obtained, chiefly by the liberal Communication of Individuals. Among these I must particularly distinguish Lord Gray, and Mr. Erskine of Mar. By the former I have been permitted to inspect and transcribe Two original Instruments, containing the Date and Part of the Proceedings of a Parliament in the earlier Part of the Reign, of which no other Traces have been discovered, or probably exist. To the other I am indebted for Access to the Ancient Muniments of the Earldom of Mar, among which are preserved several important Documents of Parliamentary Proceedings in different Parts of that Reign. Some other very valuable Articles have also been found in a small Manuscript Volume in the Advocates Library (W. 6. 44), containing Copies and Abstracts of many public Instruments and Parliamentary Proceedings during the Fifteenth Century, of which an accurate Transcript has been made.

STATE of PROGRESS in the Execution of the Orders of His Majesty's Commissioners on the Public Records of the Kingdom, so far as relates to Scotland; September 1, 1811.

Classes of RECORDS.	MEASURES ORDERED, and IN PROGRESS.	STATE OF PROGRESS, September 1, 1811.	REMARKS.
Parliamentary Records.	Compilation, Transcription, and Printing of the Acts, Ordinances, Decrees, and other Proceedings of the Parliaments of Scotland, from the earliest Period of authentic Record, to the Union of the Kingdoms of Scotland and England, in the Year 1707. THREE PERIODS. I. Prior to the Accession of King Robert I.—A.D. 1306. II. From the Accession of King Robert I. to the Return of King James I.—A.D. 1424.	FIRST PERIOD. The various ancient MSS. of the Statutes of this Period, preserved in the Library of the Faculty of Advocates, the Library of the University of Edinburgh, and the Harleian Library, have been examined, and partly transcribed and collated with each other, and with the Edition of those Statutes printed by Parliamentary Authority, under the Care of Sir John Skene, Clerk Register, in 1609. SECOND PERIOD. The Statutes and other Parliamentary Proceedings of this Period, of which the original Record is preserved, or of which authentic Copies have been discovered, are transcribed, and nearly in Readiness for the Press.	The Parliamentary Proceedings of the Two First Periods are to form the First Volume in the Series of Parliamentary Records; and in the Appendix to that Volume will be printed, from the best MSS. collated with Skene's Edition, the ancient Treatises of Law, entitled, "Regiam Majestatem, Quoniam Attachiamenta," &c. both in Latin and in a Scottish Version of the 15th Century.
	III. From the Return of King James I. to the Union, A.D. 1707.—The Proceedings of this Third Period to be subdivided into Two Parts, viz. (1.) Acts and Proceedings of the Three Estates in full Parliament. (2.) Proceedings of the Lords Auditors of Causes and Complaints, and other Committees of Parliament, in the Trial and Decision of Civil Causes: Together with the contemporaneous Proceedings of the Lords of Council, in the Decision of Civil Causes, with which those of the Lords Auditors are intimately connected.	THIRD PERIOD. (1.) The Acts of the Parliaments of King James I. and King James II. (of which the original Records are lost) have been compiled from a Collection of ancient Copies preserved in the General Register House and in the Advocates Library, and of the several Editions formerly printed by Parliamentary or Royal Authority. Of the original Records of the Parliaments of Scotland, from the Reign of King James III. to the Union, contained in 36 Volumes in Folio (some of them very large), 33 Volumes are transcribed for the Press; and numerous Defects in these Records have been supplied from authentic MSS.—Of this Third Period, the Acts of the Parliaments of King James I., James II., and James III. have been printed, extending in all to 196 Pages. Those of James IV. are in Progress at the Press. (2.) The Proceedings of the Lords Auditors of Parliament, from October 1466, to December 1494, are printed, extending to 206 Pages. The contemporaneous Proceedings of the Lords of Council, from October 1478 to July 1494, are also printed, extending to 375 Pages.—Indexes of Persons and of Places to these Two Classes of Proceedings have been compiled.	The Volume of which these form a Part, will also comprehend the Acts of James V. and of Mary, and will be the Second Volume of the Series of Parliamentary Records.

Appendix (M. 5.)

Plan for Publication of the Records of the Privy Council of Scotland.

LETTER from the Deputy Clerk Register in Scotland, Edinburgh, October 10th, 1808.

Sir,

APPENDIX, (M. 5.) Privy Council Records.

IN the Course of my Inquiries relative to the Parliamentary Records of Scotland, I was led, some Time ago, into a minute Examination of the Registers of the Proceedings of the Lords of Council in the Reigns of James IV. and James V. In these I was fortunate enough to meet with some Things illustrative of the immediate Object of my Researches; but my Attention was, at the same Time, very strongly attracted by other Matters, which I found to be of a Nature highly interesting, and which have appeared to me worthy of the Notice of His Majesty's Commissioners on the Public Records.

Without here entering into any Discussion concerning the original Establishment and Constitutional Powers of the Lords of Council, as to which the prevailing Opinions are not very accurate, it may be enough for my present Purpose to mention, that although their primary and proper Function was the Determination of certain Civil Causes in the last Resort, yet that being usually Persons of great Influence in the Court of the reigning King, they were, at the same Time, often called upon to act in the Capacity of a PRIVY COUNCIL, in Matters connected with the Political Relations and Executive Government of the Country. This appears to have been more remarkably the Case during the long Minority of King James V., a Period of violent and almost uninterrupted Political Dissension; and in all the important Acts of the Government the Lords of Council seem to have held or assumed a very leading Part. Although the Proceedings of this last Description are of a Kind very easily distinguishable from their Decrees and Orders in a Judicial Character, yet in a very rude and inartificial Manner (of which there are other Examples) the Whole is blended together in one continuous Record.

From the very small Proportion in Bulk which these Public Matters bear to the Mass of Proceedings in Civil Causes, with which they are thus surrounded and encumbered, the former, though in themselves of the most essential Importance to the History of the Kingdom, have been hitherto entirely overlooked; nor do I imagine that any of our Constitutional Historians or Antiquaries have ever thought of exploring a Record which had become almost illegible from Decay, and which was erroneously believed to comprehend only the Decisions of an abrogated Court of Law.

As there exists no separate Register of Privy Council prior to the Reign of Queen Mary, and as the Books of the Lords of Council appear thus to furnish the only appropriate Materials for supplying that Defect, I have directed a Transcript to be made of all such Entries in these Books as have a Reference to Affairs of a Public or Political Nature; and it will give a general Idea of the Extent of this Selection to mention that the Transcript fills about 1300 Pages in Folio. I have now to submit to the Consideration of the Board, the Propriety of printing this Selection as a preliminary Part of the separate Register of Privy Council, the Publication of which has long been regarded as a great Desideratum. Hitherto the Lawyers and Historians of Scotland have been in Possession of only a few scanty Excerpts from that Register, published by Anderson, Ruddiman, and Keith; yet it may be stated with Confidence, that scarcely any Part of our Records could better serve to illustrate the Policy and Government of the Kingdom during the Sixteenth and Seventeenth Centuries. Even with all the Pains that can be bestowed on it, the Register of Privy Council will now appear in a very mutilated State; for notwithstanding its manifest Importance, it has sustained greater and more irreparable Injuries from Neglect and Violence, than even from Time; but such as it now remains, I beg Leave to submit that it ought to be given entire to the Public. Of

a few

a few of the earlier Books of this Register (which are not very large) I have directed a Transcript to be made; so that if the Measure here proposed should meet with the Approbation of His Majesty's Commissioners, the Work may now be put to the Press with very little Delay. Since these Transcripts were made, I have not had an Opportunity of submitting them, as I could have wished, to the Consideration of the Great Law Officers of Scotland: but such an Opportunity will probably occur in a very short Time, and I shall immediately communicate the Result of it to the Board.

I am, Dear Sir,

Your faithful Servant,

THOMAS THOMSON.

John Caley Esquire,
Secretary, &c. &c. &c.

STATE of PROGRESS in the Execution of the Orders of His Majesty's Commissioners on the Public Records of the Kingdom, so far as relates to Scotland; September 1, 1811.

Classes of RECORDS.	MEASURES ORDERED, and in PROGRESS.	STATE OF PROGRESS, September 1, 1811.
Privy Council Records.	Selection and Transcription of Acts of Privy Council contained in the Register of Decrees of the Lords of Council, and of the Lords of Council and Session: And Transcription of the separate Registers of Privy Council.	The Selections from the Books of the Lords of Council, &c. from 1478 to 1542, have been made, extending to Eight Volumes of Transcript: And Volumes 1st, 2d, 3d, 4th, and Parts of Volumes 5th and 6th of the separate Register of Privy Council, have been transcribed. Further Progress suspended since December 13, 1808.

Memorandum.

Of the Records of the Privy Council, beginning in 1545, more than One thousand Pages have been transcribed; further Proceedings suspended by Order of the Board 13th December 1808, until Progress made in printing the Parliamentary Records.

Appendix (N.)

List of Works printed.

Appendix, (N.)

Printed Works.

Number.	TITLE.	Date.
	ENGLAND.	
I.	Taxatio Ecclesiastica Angliæ et Walliæ, auctoritate P. Nicholai IV.	1802.
II.	Calendarium Rotulorum Patentium in Turri Londinensi	1802.
III.	A Catalogue of the Manuscripts in the Cottonian Library deposited in the British Museum	1802.
IV.	Calendarium Rotulorum Chartarum et Inquisitionum ad quod Damnum	1803.
V–VI.	Rotulorum Originalium in Curia Scaccarij Abbreviatio, Vol. I. & II. Hen. III.—Ed. III.	1805–1810.
VII–VIII.	Calendarium Inquisitionum Post Mortem sive Escaetarum, Vol. I. & II. Hen. III.—Ed. III.	1806–1808.
IX.	Inquisitiones Nonarum, temp. Ed. III.	1807.
X.	Testa de Nevill sive Liber Feodorum in Curia Scaccarij, temp. Hen. III. & Ed. I.	1807.
XI–XIV.	Librorum Manuscriptorum Bibliothecæ Harleianæ Catalogus, Vol. I. II. III. IV.	1808–1811.
XV.	Abbreviatio Placitorum, temp. Regum Ric. I, John, Hen. III, Edw. I, II.	1811.
XVI.	Libri Censualis vocati Domesday Book, Indices	1811.
XVII.	The Statutes of the Realm, Vol. I.	1811.
XVIII.	Valor Ecclesiasticus, temp. Hen. VIII. auctoritate Regia Institutus, Vol. I.	1811.
XIX.	Hundred Rolls, Vol. I.	1812.
	SCOTLAND.	
I–II.	Inquisitionum ad Capellam Domini Regis Retornatarum quæ in Publicis Archivis Scotiæ adhuc Servantur Abbreviatio, Vol. I. II. 1547—1700.	1811.

List of Works printing or transcribing for the Press.

Printing.	ENGLAND.	Pages
I.	Catalogue of Lansdowne MSS. in the British Museum	226
II.	Rotuli Scotiæ, in the Tower of London, and Chapter House at Westminster	700
III.	Valor Ecclesiasticus, temp. Hen. VIII. Vol. II., in the Office of First Fruits and Tenths	220
IV–V.	Statutes of the Realm, Vol. II. Pages 168 Vol. III.	88
Transcribing.		
I.	Monastic Records, K. Rem. Office, Exchequer at Westminster.	
II.	Memoranda in the Lord Treas. Rem. Office, Exchequer at Westminster.	
III.	Quo Warranto Rolls, Chapter House at Westminster.	
IV.	Calendarium Inquisitionum Post Mortem sive Escaetarum, Ric. II., in the Tower of London.	
V.	Rymer—Materials for a new and enlarged Edition, with Continuations.	

List of Works printing or transcribing for the Press—*continued.*

SCOTLAND.

Printing.		Pages
I.	Acta Parliamentorum Scotiæ. (Vol. II. ab A.D. 1424, ad A.D. 1567.) - - -	432
	N.B. The first Volume of the intended Series of Parliamentary Records is not yet in readiness for the Press. The Materials for the subsequent Volumes from 1567 to 1707 are nearly complete.	
II.	Acta Dominorum ad Causas et Querelas audiendas electorum, in Parliamentis Domini Jacobi III. et Domini Jacobi IV. Scotorum Regum: - - -	206
	Ut et	
	Acta Dominorum Concilii, Regnantibus Domino Jacobo III. et Domino Jacobo IV. Scotorum Regibus.	375
	N.B. These Proceedings of the Lords Auditors of Parliament, and the contemporaneous Proceedings of the Lords of Council, are intended to form one Volume, connected with the Work entitled "Acta Parliamentorum," &c. but not to make one of that Series. - -	
III.	Registrum Magni Sigilli Regum Scotiæ. (Vol. II. ab A.D. 1306, ad A.D. 1424.) - -	256
	N.B. This is intended to make the Second Volume of the Select Collection of Royal Charters, from the earliest Period to the Union in 1707. A Supplement to this Volume and Indexes are in Progress.—The First Volume, intended to comprehend Royal Charters prior to the Accession of Robert I. A. D. 1306, is not yet ready for the Press; but the Collection of Materials is in a State of great Progress.	
IV.	Abbreviatio Registri Magni Sigilli Regum Scotiæ; ab A.D. 1306, ad A.D. 1707 - -	4
	N.B. The Four Pages of this Work as yet printed are a Specimen only. The Compilation of the Work is already nearly complete from 1306 to 1513.	
V.	A Supplement and Indexes are in Preparation to be added to the Work already printed in Two Volumes, entitled, "Inquisitionum ad Capellam Domini Regis retornatarum, quæ in "publicis archivis Scotiæ adhuc servantur, Abbreviatio."	

Transcribing.	
I.	Acts and Proceedings of the Secret Council, from the Year 1513 to the Union, 1707. N.B. The Preparations for this Work are at present suspended.
II.	Select Proceedings of the Court of Justiciary, from the Reign of James IV. to the present Time. N.B. The Two earliest existing Volumes of Justiciary Records have been transcribed, but the further Prosecution of the Work is at present suspended.
III.	Acts of Sederunt of the Lords of Council and Session from 1532. N.B. Two Sheets of this Work have been printed as a Specimen. Its further Prosecution has not been determined on.
IV.	Abridgment of the Register of Tailzies, from 1685 to the present Time. N.B. The Compilation of this Work is completed.
V.	Compota Camerariorum Scotiæ; ab A.D. 1326. N.B. The Transcription of the Record is in regular Progress.

Memorandum.—1st, Of the Statutes of the Realm, in conformity with a Resolution of the Commissioners, 19th December 1800, and Report of the King's Printer, 26th March 1802, the Number of Copies printed was only 500. 2dly, Of all other Works printed in England prior to 25th March 1810, the original Number of Copies printed was 1,500. 3dly, Of all Works printed in Scotland, and of all Works printed in England since 25th March 1810, the Number of Copies was 1000.

Appendix (O.)

List of Public Libraries and Repositories to which the Distribution of Works printed under the Record Commission is limited.

APPENDIX, (O.)

HIS MAJESTY's LIBRARY.
State Paper Office.
Parliament Office, House of Lords.
Paper Office, House of Commons.

ENGLAND.

Chapter House, Westminster.
Record Office, Tower.
Rolls Chapel.
British Museum.
Library of the Inner Temple.
Middle Temple.
Lincoln's Inn.
Gray's Inn.
Library of Doctors Commons.
Sion College.
Royal Society.
Society of Antiquaries.
Royal Institution.
Duchy of Lancaster.
Duchy of Cornwall.
College of Arms.
King's Remembrancer's Office, } Exchequer.
Lord Treasurer's Remembrancer's Office, }
Commissioners of Crown Lands, Woods, and Forests.
Auditors of the Land Revenue.
First Fruits Office.
Augmentation Office.
Town Clerk's Office, City of London.

Archbishop of Canterbury's Library, Lambeth.
Episcopal Library of Worcester, at Hartlebury.
Durham, at Bishops Auckland.
Carlisle, at Rose Castle.
London, at Fulham.
The Cathedral Library of Canterbury.
York.
Durham.
Winchester.
Ely.
Worcester.
Lichfield.
Llandaff.
Lincoln.
St. Asaph.
Wells.
Carlisle.
Peterborough.
Hereford.
Chichester.
Bangor.
Chester.
Gloucester.
Rochester.
Exeter.
St. Davids.
Salisbury.
Norwich.
Oxford.
Bristol.
St. Paul's.
Westminster.
Library of the Collegiate Church of Rippon.
Southwell.
Library of Winchester College.
of Eton College.
in the College, Manchester.

UNIVERSITY OF OXFORD.

Bodleian Library.
Radcliffe Library.
University College.
College of Baliol.
Merton.
Exeter.
Oriel.
Queen's
New College.
Lincoln.
College of All Souls. 64
Magdalen.
Brazen Nose.
Corpus Christi.
Christ Church.
Trinity.
St. John's.
Jesus.
Wadham.
Pembroke.
Worcester.
Hertford.

UNIVERSITY OF CAMBRIDGE.

The Public Library.
College of Peter House.
Clare Hall.
Pembroke Hall.
Corpus Christi.
Trinity Hall.
Gonvil and Caius.
King's.
Queen's.
Catherine Hall.
Jesus.
Christ's.
St. John's.
Magdalen.
Trinity.
Emanuel.
Sidney Sussex.
Downing.

SCOTLAND.

General Register House, Edinburgh.
The Library of the Faculty of Advocates, Edinburgh.
The Lyon Office, Edinburgh.
The College of the University of Edinburgh.
The University of King's College, Old Aberdeen.
The University of Mariscal College, New Aberdeen.
The University of St. Andrew
The University of Glasgow.

IRELAND.

Dublin Castle Library, Lord Lieutenant.
Library of the King's Inns.
University of Trinity College, Dublin.
Royal Academy.
Dublin Society.
The Cathedral of St. Patrick's, } Dublin.
Christchurch, }
Armagh.
Waterford.
Ossory. 10

122

RESIDUE.

His Majesty's Commissioners - -	15
The Secretary and Sub-Commissioners - -	13
Reserve for special Delivery, viz. Persons in Correspondence with the Commissioners, or aiding in the Prosecution of their Undertakings; Particular Officers and Offices to whose Business the particular Publication may specially relate; And future Commissioners and Sub-Commissioners upon their respective Appointments -	50
Total Distribution - -	200
Surplus Copies for Sale by Order of the Lords of the Treasury, in Reduction of the Expences of the Commission - - -	800
Total Impression of all Works to be printed by Authority of the Commissioners - -	1000

Appendix (P.)

Enlarged Establishment of Clerks in the Office of Keeper of the Records in the Tower of London.

AN ACCOUNT of the several Additions which have been made to the Establishment of the Record Office in the Tower since the Beginning of the Year 1804, when the present Keeper of the Records there entered upon his Office.

10th May 1805.—The Keeper of the Tower Records presented a Memorial to the Lords Commissioners of His Majesty's Treasury, stating that the Allowance then made for Clerks in the Record Office amounted to no more than the nett Sum of £123. 12*s*. after Payment of Fees and Taxes (exclusive of the Property Tax), and praying that their Lordships would be pleased to make such Provision for the Establishment of the Record Office as they should deem sufficient for the Purposes stated in the said Memorial.

24th May 1805.—A Letter of this Date was received by the Keeper of the Records at the Tower from One of the Secretaries to the Treasury, stating that their Lordships, finding upon Enquiry that much Labour, Diligence, and Attention would be required for the Preservation and Arrangement of the Public Records under his Care, were pleased to allow the further Sum of Two hundred Pounds per Annum, to be applied to the Increase of the Salaries of the Three Clerks in his Office, to commence from the 5th Day of July 1805.

June 1808.—The Keeper of the Tower Records presented a Second Memorial to the Lords of the Treasury, stating the Extent and Importance of the Records contained in his Office, and the Insufficiency of the Establishment of Clerks, for the Purpose of taking proper Care of them, and rendering them useful to the Public; and that the whole Allowance for the Establishment (including the additional annual Allowance of £200.) did not exceed the nett Sum of £289. 7*s*. after Payment of Fees and Taxes (exclusive of Property Tax). And further stating, that the Keeper of the Records had filled up the Number of Three Clerks, though by so doing he was obliged to expend annually a considerable Sum of his own Money; and praying that such an additional Allowance might be made as would enable him to form an efficient Establishment with a Gradation of Salaries, and to take some young men of competent Education into the Record Office, who might be brought up to a Knowledge of ancient Records.

18th October 1808.—One of the Secretaries of the Treasury having requested that the Keeper of the Tower Records would state for the Information of the Lords of the Treasury what Addition to his present Establishment at the Record Office would in his Opinion be necessary to obtain the important Objects stated in his Memorial, and the Amount at which he should think it proper to fix the Salaries of the respective Clerks; he submitted to their Lordships, that of the First and Second, who would be more particularly entrusted with the Care of the Records, the former should have £250. and the latter £200. per Annum, the Third Clerk £150, and the Fourth and Two Assistant Clerks £120. each.

18th Dec. 1809.—The Keeper of the Records at the Tower received a Letter from George Harrison Esq. Assistant Secretary at the Treasury, of this Date, stating that the Lords Commissioners of His Majesty's Treasury had been pleased to comply with his Request, and that the Warrants should be prepared quarterly from Time to Time, for issuing to him net, and without Account (other than such as he should be required to render thereof to the Treasury) such Sums as might be necessary to enable him to employ Four Clerks at the following Rates of Salary, viz. 1st Clerk £250.; 2d £200.; 3d £150.; 4th £120.

And their Lordships were also pleased to authorize him to employ Two additional or supernumerary Clerks at an Allowance of £120. per Annum each, and also to employ a Person to take Care of the Office and Record Rooms at an Allowance not exceeding £40. per Annum, to commence from the 5th of July 1809. And that their Lordships having taken into Consideration the increased Labour of the Attendance of the Keeper of the Records, were of opinion that he should receive his Salary of £500. per Annum net, and had thereupon directed a Warrant to be prepared for that Purpose.

The Two Supernumerary Clerks engaged under the Order above stated have been chiefly employed in preparing a Calendar to the Proceedings in Chancery, deposited in the Record Office at the Tower. They have completed the Calendar of nearly 300 large Bundles during the Reign of Queen Elizabeth, each consisting of 600 Sets of Bills and Answers, &c. and 52 Bundles of the Reign of King James the First, each containing about 100 Sets of Bills and Answers, &c. and about Three-fourths of an Index Locorum has been made to the Calendar of Queen Elizabeth's Reign, by the Junior Clerk in the Record Office. All which is submitted to His Majesty's Commissioners on the Public Records.

SAMUEL LYSONS.

Record Office Tower,
21st Feb. 1812.

Appendix (Q.)

Orders of the Court of Exchequer at Westminster for regulating the Records in the Office of the King's Remembrancer.

IN THE EXCHEQUER.

Monday, the 4th Day of June 1810.

REGULATIONS imposed on The CLERKS IN COURT in the Office of His Majesty's Remembrancer, on Searches.

Appendix, (Q.)

Regulations of Exchequer Records.

THE Court having taken into Consideration the present State of the Records of this Office: It is this Day Ordered, That the Clerks in Court do in future observe the following Regulations:

First, That if any or either of them hath or have in his or their Custody or Power any Public Records, he or they do restore the same to the proper Files or Places within One Month from the Date hereof.

Second, That after having concluded a Search, they do restore to its proper File and Place, every Record by them removed from its proper Place in the course of such Search before they leave the Record Rooms.

Third, That if it should be necessary to remove any Record from the Record Rooms at Westminster, to the Office in the Temple to be copied, that they do not suffer the same to be removed out of the said Office to be copied, and that they do restore the same to its proper File and Place with all convenient Speed.

Fourth, That they do cause a Public Book to be deposited in one of the Record Rooms, in which the Title of every Record removed out of the Record Rooms shall be entered by the Clerk in Court who removes the same, with the Day of the Month on which the same was so removed, and also the Day on which the same shall be replaced, and that he do sign his Name to each of the said Entries.

Fifth, That they do not place any Record in any Press in the Record Rooms under Lock and Key.

And it is further Ordered, That the Deputy Remembrancer do on the first Day of Easter and Michaelmas Terms in every Year, deliver to the Lord Chief Baron, a Certificate containing a List to be extracted by the Junior Sworn Clerk from the Public Book above-mentioned, of all the Records removed out of the said Record Rooms, which have not been brought back and restored to their proper Files and Places, together with the Names of the Clerks in Court who so removed the same.

A. MACDONALD.
A. THOMSON.
R. GRAHAM.
GEO. WOOD.

TAYLOR,
for the Sworn Clerks.

GENERAL ORDER.

Tuesday, the 27th Day of November 1810.

REGULATIONS imposed on The CLERKS IN COURT in the Office of His Majesty's Remembrancer, the Courtkeeper, and Bagbearer, on Searches.

ON reading the Certificate of Mr. William Gatty the Junior Sworn Clerk, bearing Date the Fifth Day of November instant, in pursuance of the General Order of the Fourth Day of June last: It is Ordered, That the Clerks in Court, Courtkeeper, and Bagbearer, do in future respectively observe the following Regulations:

First, That the Courtkeeper do not deliver the Keys of the Record Rooms to any Person whatever, except to One of the Clerks in Court, accompanied by the Bagbearer.

Secondly, That the Clerks in Court, or any or either of them, do not proceed to make a Search in the Record Rooms without the Presence of the Bagbearer for the Time being.

Thirdly, That the Bagbearer for the Time being, do attend the Clerks in Court on Searches in the Record Rooms, from the beginning to the end of such Search, and do not make any Search without the Presence of a Clerk in Court; and in case of the Sickness or necessary Absence of the Bagbearer, the Courtkeeper do attend in his Stead.

Fourthly, That in case after a Search is completed, the Records shall not be restored to their proper Places, the Junior Sworn Clerk for the Time being do report the same to the Court as soon as the same shall be discovered by him, together with the Name of the Clerk in Court who made such Search, and that he do also certify any Default of the Courtkeeper, either in his Delivery of the Keys contrary to this Order, or in refusing to attend in the Absence of the Bagbearer.

A. MACDONALD.
A. THOMSON.
R. GRAHAM.
GEO. WOOD.

Appendix (R.)

REPORT OF SEARCHES

FOR

Original Records and Manuscript Copies of Charters and Statutes preserved in the Universities, Cathedrals, and other public Repositories in England.

THE SEARCHES of the Sub-Commissioners, for Originals, Records, and Manuscript Copies of Charters and Statutes, were made at the following Places, *viz.*

1. WINCHESTER.	7. LICHFIELD.	13. ELY.
2. SALISBURY.	8. CARLISLE.	14. PETERBOROUGH.
3. WELLS.	9. DURHAM.	15. NORWICH.
4. GLOUCESTER.	10. YORK.	16. OXFORD.
5. HEREFORD.	11. LINCOLN.	17. ROCHESTER.
6. WORCESTER.	12. CAMBRIDGE.	18. CANTERBURY.

1. WINCHESTER.—Searches were made, as well at the College as the Cathedral, but no Originals, Records, or Manuscripts were found.

2. SALISBURY.—No Originals, Records, or Manuscript Transcripts of Statutes, were found in the Cathedral at this Place. Of the Original Charter of King John, referred to by Tyrrell and Burnett as existing, (see Blackstone's Charters, 8vo. p. xxviij, xxxiv,) no Trace or Memory is now preserved here.

3. WELLS.—Among several Manuscript Instruments preserved in the Cathedral (which are numerous and well kept, and relate chiefly to the Chapter), was discovered an Exemplification or Transmiss of the *Sententia Excommunicationis in Transgressores Cartarum*, A.D.1253, 37 Hen. 3. with the Labels and some Fragments of the Seals of the Archbishop and Bishops by whom it passed. In the Return to the Committee of the House of Commons on the Public Records in 1800, (See *Reports from the Committee, pa.* 341.), this is incorrectly mentioned as "A Confirmation of Magna Carta, A.D.1263."—Blackstone does not advert to any Original or Exemplification of this Sentence, as known by him to be in Existence; but states, (see his Edition of the Charters 8° pa. lxxxii,) that "many Copies of it are extant in Matthew Paris, &c. and most of the ancient Manuscript Collections of Statutes in Public Libraries, no Two of which in all Points agree." The Copy in his Edition is given from what he considered as the most authentic extant, the Coeval Entry in the Red Book of the Exchequer at Westminster, "which yet (he adds) is not without its Inaccuracies."—One material Variation occurs between this Exemplification and other Copies. Among the Witnesses J. Comitis Waŕ is written J. Comitis Warwyk: All Translations have interpreted the Abbreviation as John Earl of *Warren*. There is also preserved here an Exemplification of the Statute, which is printed by Hawkins, Cay, and subsequent Editors as a Statute of 3 Ed. II. *Super prisis bonorum Cleri*. This Exemplification confirms the Date given to the Instrument in the oldest printed Editions, viz. 24th November in the 10th Year of Edw. II. and explains the Teste in the Entry on the Tower Roll "*Teste Rege ut supra.*"—An Exemplification of the Statute 15 Edw. III. st. 1. preserved here, is incorrectly stated in the Return (*Rep. Rec. p.* 341.) as a Confirmation of Magna Carta, 1 Edw. III. This Exemplification agrees in some Instances with the Statute Roll, and in others with the Parliament Roll, where they differ from each other.

4. GLOUCESTER.—The Manuscript Volume (noticed as No. 1. in the Return from the Dean and Chapter of Gloucester to the Record Committee, (*Rep. Rec.* p. 335.) contains Two Registers, with Titles of the Contents prefixed to each; the First of these Registers is intituled: "Registrum de donacõnibꝫ & confirmacõnibꝫ diversoꝝ Regum Anglie & Comitũ, de cartis collectis anno dni millmo cccmo nonagesimo septimo p Dñm Walterum Froucestre, Abbatem Sci Pet Gloucestrie."—This Register consists of lxiiij Folios, and contains Entries of the following Instruments; but none of the Originals are now remaining in the Archives of the Cathedral.

Fo. xxvij. & seq;	No. 80. } 81. }	Confirmation of Magna Carta and Carta de Foresta, 12 Oct. 25 E. I. as on the Statute Roll.
xxxij.	82.	Magna Carta 1 (or 2) Hen. III. very similar to that given by Blackstone from the Original in the Bodleian, and like that without a Date.
xxxv.	83.	Magna Carta Johannis.
xlv.	91.	Statute of Marlborough.

The

APPENDIX, (R.)

Searches for Charters and Statutes.

The other of these Registers is intituled, " Registrum ptinens ad ecclias Sči Peť Gloucestrie & ad eaꝝ capellas cū eaꝝ Rectoriis, Vicariis, pensionibꝫ, porcōibꝫ, litibꝫ, & sñiis [sententiis] p Dñm W. Froucestre Abbať a° do' m° ccclxxxiij." This consists of lxxxvij Folios, but does not contain any Article applying to the Purposes of the Record Commission.

5. HEREFORD—6. WORCESTER—7. LICHFIELD—8. CARLISLE.—No Originals, Records, or Manuscripts of Statutes or Charters, have been discovered in the Cathedrals at either of these Places.—At *Hereford* the Manuscripts are very numerous and well preserved, but not well arranged. A further Search when they are better arranged may be desirable.—At *Worceſter* is a Manuscript Volume of little Value, containing a very incorrect Transcript of the Magna Carta of Hen. III. and other old Statutes.—At *Lichfield* in a Manuscript Catalogue, intituled " Tabula omnium Instrumentorum & Archivorum in hoc Registro remanentium," appears the following Entry: " Excommunicatio Violatorum Ecclesie Liberatum 1253." This must mean the Sententia lata, 37 H. III. but the Instrument is not now to be found. It was probably of the same Nature and Authenticity as that discovered at Wells; and this affords Evidence that the Sentence was transmitted to the several Cathedrals in the Kingdom. The Catalogue above mentioned is a complete alphabetical List or Calendar of all the Endowments of the several Churches in the Diocese, and of other Deeds and Instruments relating to ecclesiastical Matters.—The ancient Manuscript Chartulary of the Abbey of Wetherall at *Carliſle*, (see *Rep. Rec. p.* 343.) does not contain any Entries of Public Charters or Statutes.

9. DURHAM.—Many original Charters are preserved in the Archives of the Dean and Chapter of this Cathedral. An Index intituled " Repertorium Magnum Eccłie Cathedralis Dunelm Papalium, Regalium, Archi-Epalium, Pontificalium, & Specialium: Facť circa annum 1456, Rō Nevile Epo, Joñe Burnby Prior" refers very accurately to the different Boxes or Drawers in which the Charters are kept; each Box or Drawer being divided into Two or more Compartments, and the Instruments contained in each Compartment being regularly numbered. It also refers (but not with perfect Accuracy) to the Entries of these Charters in Three Ledger Books, lettered Cart^m I. Cart^m II. and Cart^m III. This Repertorium referred to the following Instruments, as being in the Second of the Boxes containing the Royal Charters, and in the First and Second Compartments or Divisions:

Prima Sčde Regalium:

Carte Henrici Tertii Reg̃ Anglie:

Libertas tocius regni—2^a. Carta ejusdem tocius regni. C. 211. Cart. 1. 194. B. 1.

This is the Magna Carta 9 *H. III.* which was collated for Blackstone with the Copy printed by him from the Charter of this Date in Possession of Mr. Talbot. It has the Great Seal appendant.—Notwithstanding the Accident which happened to this Charter, (see Blackstone's Charters, pa. lxxi. note r.) it is perfectly legible, except in the Instance of a few Words, which can be supplied from the Ledger Book of the Chapter, Cart^m I.

Magna Carta—3^a. Copia Magne Carte ejusdem sꝫ diversa ira. C. 209. Cart. III. 209. C. I.
This is the Charter 12 Nov. 1 H. III. printed by Blackstone. (The Seals are lost.)

Carta genał de Forestis—4^a. Carta generalis tocius regni & p'mo de Foreſt.
Signata sigill legať & W. Comiť. C. III. 211. D. 1.

This is the earliest Carta de Foresta, granted in the 2d Year of HEN. III.; of which Blackstone supposes (Introduction to his Charters, p. lxv.) " that the Original and all authentic Records of it are at present lost." On an Arrangement of the Charters at Durham about Sixty Years since, it was not found in its proper Drawer, and it has ever since been considered as lost. But on a diligent Search now made, it was found in a Box in a Closet in the Chapter Room among several Deeds relating to the Possessions of the Chapter. The Seal of the Legate is remaining more perfect than that to the Magna Carta of this Year in the Bodleian; but of the Earl of Pembroke's Seal only the Label remains.

The latter Part of this Charter is mutilated by Time or Accident, but the Deficiencies can be supplied from Entries in the Book X. of the Exchequer at Westminster, and also from the Entries in the Liber Niger of Christ Church, Dublin, and the Domesday Book in York Cathedral. The Discovery of this Charter seems material to the Completion of Blackstone's History of the Charters. It is remarkable that the Clause inserted in Lord Lyttleton's Roll (see Blackstone's Charters, pa. lxxiv. note w, and p. lxxviii. note z,) appears in this Charter.

Carta de Forestis—5^a. Carta ejusdem generalis tocius regni de Forestis, C. 211. E. 1.
This is the Carta de Foresta 9 H. III. printed by Blackstone. (It has the Great Seal appendant.)

Sčda Sčde Regalium:

Cartæ Edwardi p'mi Regis Anglie:

1^a. Carta Edwardi primi Regis de Magna Carta, & scribitur in Gallico, de libtatibꝫ Archiepis, Epis, Abbatibꝫ, & Baronibꝫ cōcesš ab Edwardo Rege nobili filio Hērici 2cii. A. 1. Magna Carta in Gallico.

This is a Copy or Exemplification under the Great Seal (which remains appendant) of the Whole of the Stat. 28 Edw. I. usually called " Articuli super Cartas." Blackstone has not noticed this.

2^a. Carta

2ª. Carta ejusd; & est eadem cū p'ore, sz ista est in Latinis, de libtatibz cōcessis Archiep'is, Ep'is, Comitibz, Baronibz, Abbatibz, P'ribz, ab Edw° nobili filio Reg̃ Hen. III. C. 219. B. 1. Magna Carta in Latinis.

This is an Exemplification under the Great Seal (which remains appendant) of the Inspeximus and Confirmation of Magna Carta 28 Mar. 28 Edw. I. Blackstone has not noticed this.

3ª. Confirmacō ejusdem sup Cartā Hēnici P'cii de Forest. C. 220. H. I. Carta de Foreatis.

This is the Exemplification under the Great Seal (remaining appendant) of the Inspeximus and Confirmation of the Carta de Foresta 28 March 28 E. I. collated for Blackstone, with the Original of the Carta de Foresta 9 Hen. III.

Such of the foregoing Charters as were printed by *Blackstone*, (or cited by him) were not examined by himself. They were printed by him in Words at Length, although the original Charters are full of Contractions; some Inaccuracies and Imperfections were therefore unavoidable.

10. YORK.—An ancient Ledger or Chartulary is preserved in the Cathedral here (written apparently about the Time of Edw. III. or Ric. II.) and is called Domesday Book. It is not noticed in the Return to the Record Committee; (See *Rep. Rec. p.* 332.) It contains Entries of Charters and Grants relating to the Possessions of the Cathedral. The only Articles of a public Nature which appear in it are the following:

Fo. 11. Magna Carta, 12 November 1 Hen. III.
13. Magna Carta 1 (or 2) Hen. III. not dated.
15. Carta Regis Henrici de Foresta 1 (or 2) Hen. III. not dated.

11 LINCOLN.—An original Charter of King John is preserved in the Archives of the Dean and Chapter of this Cathedral, as stated in the Return to the Record Committee. (*Rep. Rec. p.* 337.)

This Charter, from the Repository in which it has so long remained, and other Circumstances, appears deserving to be considered in a superior Light to either of those preserved in the British Museum. From cotemporary Indorsements of the Word LINCOLNIA on Two Folds of the Charter, it may be presumed to be the Exemplification transmitted to Lincoln by the Hands of Hugh the then Bishop, who is one of the Bishops named in the introductory Clause. This Charter is very fairly written, and it is observable that some Words and Sentences which in both the Charters preserved in the British Museum are inserted by way of Notes for Amendment at the Bottom, are here fairly inserted in the Body of the Charter.

In the Library are several Manuscript Volumes, one of which contains a Collection of the Charters and some old Statutes of no Importance. Unfortunately all these Manuscript Volumes have been mutilated by cutting out the illuminated Letters.

12. OXFORD.—*At the Bodleian* the several Manuscripts mentioned in the Return to the Record Committee in 1800 (See *Rep. Rec. p.* 348.) were examined, and also some others not noticed in that Return. The Magna Carta 1 (or 2) Hen. III. preserved in this Library, and printed from thence by Blackstone, as also the Charter of Confirmation 21 Hen. III. also printed by Blackstone, are preserved here. But the Charter of 29 Edw. I. stated by Blackstone to be preserved here, and of which he printed a Copy with an Engraving of the Seal, was not found on the present Search. Nor could any such be found at *Christ Church*, although it is stated by Blackstone that one of those Charters is there preserved.

Two Manuscripts, not noticed in the Return made in the Year 1800, seem deserving of some Attention. The first (Hatton 10. No. 4135.) is a very large Folio Volume, written on Vellum or Parchment in one uniform Hand-writing, apparently of the Time of Henry VII. containing the Statutes from Magna Carta 9 Hen. III. (copied from the Inspeximus 28 March 28 E. 1.) down to the End of the Eleventh Year of Henry VII. the whole very fair, and preceded by an alphabetical Index. One peculiar Feature of this Manuscript is, its containing the whole Body of the Statutes, as well previous as subsequent to the First of Edw. III. a Circumstance not hitherto met with in any other Manuscript Collection: the Collections of the Antiqua Statuta (previous to Edw. III.) and the *Nova Statuta* (beginning 1 Edw. III. 'Come Hugh le Despenser', &c.) are in general entirely distinct from each other.

But the most remarkable Circumstance relating to this Manuscript, is its Coincidence with Mr. Petyt's Manuscript in the Inner Temple Library, in giving the Statutes of Rich. III. and of the First and Third Years of Hen. VII. in *French*, as from a Statute Roll. The Petyt Manuscript ends with the Third Year of Henry VII. and therefore leaves in Doubt the precise Period at which the making up of the Statute Roll in French entirely ceased; but in the present Manuscript the Statutes of the Fourth Year of Henry VII. are in English, immediately following the Third Year in French. This seems to afford more precise Evidence of the actual Period of this Change than has hitherto been obtained. It is observable that the Statute Roll of the Irish Parliament 8 Hen. VII. preserved at the Rolls Office in Dublin, is in French. On the Statute Roll of the Two next Parliaments of

Appendix, (K.)
Searches for Charters and Statutes.

Ireland, 16 and 24 Hen. VII. the introductory Paragraphs stating the holding of the Parliament, &c. are in Latin; after which follows an Act or Chapter confirming the Liberties of the Church and the Realm (Terre d'Irland) in French; and all the other Acts of the Session in English.

The other Manuscript in the *Bodleian Library* (No. 1036) consists of Eleven small Rolls of Parchment, not much more than Four Inches wide, but being Two Feet or more in Length. The Writing appears of the Time of Edw. I. or early in the Reign of Edw. II. The Copy is extremely fair, and seems to have been made with great Care and Accuracy. At the End of the last Roll is written "Sum Roberti Dacres Interioris Templi A° 1533. Et modo W. Fletewode Record A° 1589." One of these Rolls contains the "Capituli Statutorum," and the other Ten the following Statutes, &c. viz. Magna Carta, and Carta de Foresta 9 Hen. III. (from Inspeximus of 28 March 28 E. I.); Sententia lata, 37 Hen. III.; Novi Articuli (i. e. Articuli super Cartas, 28 Edw. I.); Provisions of Merton; Stat. Marlbridge; Westm. 1.; Gloucester; Explanations of Gloucester; Westm. 2.; Westm. 3.; De Religiosis; De Mercatoribus 13 Edw. I.; De Finibus; Stat. Winton; Districciones Scaccarii; Circumspecte Agatis; De Bigamis; De Vocatis ad Warantiam; and Compositio Monetæ.

At Oriel College are preserved Two original Charters of Inspeximus 28 Edw. I. These were compared with the Copy printed by Blackstone, in which some Errors were discovered.

13. CAMBRIDGE—*In the Library of the University.*—On Examination of the Manuscripts in this Library cited in Blackstone's Charters (Introduction, p. lix. note o, and p. lx. note s,) viz. E. e. 1. 1. E. e. 2. 19. H. h. 3. 11. and L. l. 1. 10. & 4. 18. they appear to be Collections of old Statutes, beginning with Magna Carta and Carta de Foresta, but all apparently very incorrect and little deserving any Notice. In H. h. 3. 11. the Carta de Foresta is from the Exemplification of 25 E. I.—L. l. 4. 18. is dated 15th Nov. 2. H. III.

Besides the above, the following Manuscript Collections of old Statutes (not noticed in the Return to the Record Committee, *Rep. Rec. p.* 360.) were also examined, viz.

Clas.	Shelf.	No.	Clas.	Shelf.	No.	Clas.	Shelf.	No.
D. d.	7,	6.	E. e.	1,	5.	K. k.	5,	33.
——	9,	38.	——	6,	1.	L. l.	1,	15.
——	—,	72.	——	—,	33.	——	—,	16.
——	10,	28.	H. h.	4,	1.	——	4,	17.
——	15,	12.	——	—,	6.	M. m.	1,	27.
——	—,	18.	I. i.	6,	25.	——	5,	19.

None of these Manuscript Collections appear to bear any Character of Accuracy or Authenticity; except the last, M. m. 5. 19; several of the Entries wherein are marked *Ex' per Rot'.* in the same Manner as the Manuscript Volume in the British Museum. Cott. Claud. D. 2. But the Volume is imperfect, wanting the Two Charters and the Statute of Merton. It begins with the Stat. of Marlborough, and ends with the Stat. 50 E. III.

D. d. 10. 28. contains a French Translation of the Two Charters of Henry, without Date. In all the Collections above noticed the Copies of the Charters are generally very inaccurate, sometimes beginning in the Name of *Edward*, and yet bearing Teste as some of the Charters of *Hen. III.* and being in other Particulars imperfect and inconsistent on the Face of them.

Trinity College.—The French Translation of Magna Carta 2 H. III. mentioned in Blackstone's Charters, (p. lix. note q,) as being in this College, is contained in a Manuscript Collection of the old Statutes, O. 1. 76. little deserving any Attention or Credit.

The following Manuscript Collections of Statutes are also preserved in this Library:

Clas.	Shelf.	No.	Clas.	Shelf.	No.
O.	1.	71.	O.	4.	14.
—	2.	58.	—	9.	26.
—	3.	20.	—	7.	27.
—	—	45.	R.	15.	12.

Generally speaking, none of these Collections are of any Authenticity or Value.

St. John's College.—The following short Extract from a Manuscript Volume in this College (B. 14.) on the Duties of a Priest, and Instructions to him respecting Excommunication, seems worthy of Notice; as explanatory of the Origin and Purpose of entering the Publick Charters of the Realm in the Registers of the several Cathedrals.

"Casus in quibus aliquis est excommunicatus qui facit contra Statuta.

APPENDIX, (R.)

Searches for Charters and Statutes.

"Item excommunicati sunt ab omnibus Archiepiscopis & Epis Anglie omnes ille qui veniunt aut faciunt contra Magnum Cartam que - - - pluries est confirmata.

"Item sint excommunicati qui faciunt contra aliquem articulum contentum in Carta de Foresta. Bene sciendum est quod in Magna Carta sunt 35 articuli, & in Carta de Foresta sunt 15 Articuli. Ne quis sibi pretendat ignoranciam illorum articulorum, hic breviter inseruntur."

Then follow Abridgements of the Articles of Magna Carta and Carta de Foresta.

Benet or *Corpus Christi College.*—All the Manuscripts preserved in this College are very accurately mentioned in the Return made from this College to the Record Committee. (See *Rep. Rec. p.* 368.)

The Manuscript Volume, No. 377. contains a Copy of the Article now known by the Appellation of the Statute *De Tallagio non concedendo*, and ascribed to the 34th Year of Edw. I. No Record of this Article as a Statute has yet been discovered; it is seldom found in any antient Manuscript Collection of Statutes. This Manuscript is a very fair, and apparently correct, Collection written in the Time of Edw. II.

The Manuscript Volume No. 70. contains a History of the Reign of Henry III. and of the several Charters granted and Acts passed by him. At the End of this Volume is an Article *De Rege Edwardo filio Henrici Regis*, with a Rubrick of the Statutes made by that King *et Sigillo suo corroborata*; and a List of certain Instruments, termed *Quedam Summarie de legibus* for the Instruction of Persons not learned in the Law, is subjoined. Among the latter are classed the *Dies Communes in Banco, et de Dote*, and the *Extenta Manerii*; on which, though inserted in the old printed Collections of Statutes, Dispute has arisen whether they were to be classed as Statutes.

14. ELY.—15. PETERBOROUGH.—No Originals, Records, or Transcripts of Charters or Statutes are preserved in either of these Cathedrals.

16. NORWICH.—Blackstone in his Charters (Introduction, p. lxxi,) alludes to an antient Copy of the Great Charter of 9 Hen. III. as being preserved in the Cathedral at Norwich. The only Copies of any of the Charters now in that Cathedral are entered in a Manuscript Volume, called Branthwaite's Register, written (as appears from internal Evidence) very early in the Reign of Edw. I. One of these Entries is of the Magna Carta of *King John*, but very incorrect throughout, and dated 15th June, anno Regni *decimo*, instead of *septimo decimo*. The other is of the Carta de Foresta, beginning "Henricus," but without Date or Attestation. A Copy of the Sententia Excommunicationis 37 Hen. III. follows these Two Charters; after which the following Sentences occur, which may be thought deserving Notice.

"Et ut memoria hujus sententie memoriter perpetuetur, & in cordibus omnium indelibilius imprimatur, publicari dicta sententia statuitur p totam Angliam, in ecclesiis parochialibus, accensis candelis & pulsatis solempniter campanis, dominicis ac festivis diebus, de precepto omnium Episcopoꝝ: Set & episcopatibus Lincoln & London, ubicunq; populi conveniebant, sicuti in comitatibꝫ, hundredis, & curiis laicoꝝ, vicini sacerdotes accedentes cum crucibus & campanulis manialibus dictam sententiam horribiliter fulminarent. Protegat divina clementia omnes ecclesie regnique fideles a tanti excommunicationis voragio, terribiliter metuenda."

The Charters mentioned in the Return from this Cathedral to the Record Committee, (See *Rep. Rec. p.* 339,) and several others relating to the Church, are very carefully preserved in Books of Cartridge Paper, to which the Charters are fastened, and Indexes of them are inserted in each Book. The several Charters, each distinguished in the Return as *Magna Carta*, are not Publick Charters of the Realm, but are thus distinguished, in consequence of their containing Confirmations of many former Grants, all of which are recited in the confirming Charter.

17.—ROCHESTER.—In the *Textus Roffensis*, preserved in the Archives of the Cathedral, is contained the Charter or Institutions of Henry I.

18. CANTERBURY.—No Originals of the Magna Carta or Carta de Foresta are now to be found in the Archives of this Cathedral; nor even any Entries of them in the Ledger Books or Registers, of which there are several large Volumes. The Registers V. and IX. are very ancient, and seem to have been transcribed and collected with Care. Register V. appears to have been written soon after A.D. 1293, and is intituled thus: "V. Registrum oīm Cartaꝝ & Composicōnū Ecclie Cantuar̃." In fo. xiiij. is the following Entry: "Carte Regum Anglie de Libtate Ecclastica." In both these Registers are entered the Charter of Stephen of the Liberties of the Church, printed by Blackstone from Hearne; and also the Charter of the Liberties of the Church granted by King John in the Sixteenth Year of his Reign, and alluded to by him in his Magna Carta: but not printed in Blackstone's Edition of the Charters.

A Manuscript, marked K. 12. contains an antient Copy, stated to be from the Charter Roll 11 Edw. III. of the King's Charter of that Year, creating his eldest Son Prince of Wales and Duke of Cornwall, dated at Woodstock, 4th September. See printed Rot. Parl. 5 Hen. IV. nu 22. and 3 Hen. VI. nu. 29. where this Charter is alluded to.

A Manuscript

APPENDIX, (R.)
Searches for Charters and Statutes.

A Manuscript Roll, marked K. 2. contains a Copy of the Award of Louis the Dauphin of France, respecting the Dispute between King Hen. III. and his Barons, dated January 1263. In a very small Roll annexed is a Letter from the Barons to the King, declaring their Determination, and pledging their Security, not to offer Violence to the King's Person; and an Answer from the King, dated Lewes 12th May, in which he expresses himself as follows: "De vestra securitate vel amore non curamus, sed vos tanquam inimicos dissidimus."

A Roll (referred to in the Calendars as K. 11.) containing the Ordinance of the Household 5 Edw. II. from an Exemplification under Seal, formerly preserved in the Treasury of the Church, but not now known to be in Existence, appears to afford the best Evidence hitherto discovered of the undoubted Validity (for the Time being) of that Instrument as a Statute. On comparing the Contents of this Roll with the Entry on the Roll of Parliament of this Year in the Tower, (see printed Rot. Parl. vol. 1. p. 281.) it will be found that the Canterbury Roll contains many Matters omitted in the Parliament Roll; particularly the Oath of the Ordainers, by which they promise to execute the Ordinances "selonc droit & reson, & selonc le serement que nostre Seignur le Roi jura a son coronement." On the Back of the Roll the Coronation Oath is set forth as administered to the King by the Archbishop of Canterbury; *si Rex literatus est* in Latin; and *si Rex non literatis fuerit* in French. The latter Form varies a little from the Entry of the Coronation Oath on the Close Roll in the Tower (1 E. II. m. 10 d. in Cedula) as there stated to be taken by Edw. II. on his Coronation. On the Back of this Roll are also entered several Articles in Addition to and Alteration of the Ordinances; being probably such Corrections as were made An. 5 and 6 Edw. II. in consequence of the King's Writs and Commissions for that Purpose. See printed Rot. Parl. i. pa. 447. No. 11 and 13.

Two Roll preserved here, marked M. 260. and C. 256. contain Matters elucidatory of the Proceedings previous to the Articuli Cleri 9 E. II. These Rolls are intituled as follows, viz.

M. 260. Articuli liberati Dño E. Regi ex parte Prelatoꝝ & Cleri Angl in plño suo Lond in q'dragesima, anno Dñi M°CC° nonagesimo nono, tempe Dñi R. Cant Archiepi. Et postea in plño Lync in Octob Sci Illarii, Anno Dñi M°CCC° lidem articli liberati fuer Dño Regi in ꝑsencia ꝑlatoꝝ & ꝓceꝝ toci⁹ regni.

Gravamina illata Ecclie Anglicane sup quibꝫ petit' remediū cōveniens adhiberi: [34 Articles.]

C. 256. ¶ Gravamina tam vetera q' nova illata Ecclie Anglicane liberat Dño E. Reg. fit Reg. E. p'mi p⁹ ꝙstū, ap̄d Westm̄ per P'latos & Clerū toci⁹ ꝓvinc Cant i ꝙcilio ꝓvinciał celebrat Londoñ viij° kł Decēb, Anñ Dñi M°CCC°ix°.

¶ It respōcōnes Dñi Reg ad eadē gravamina.

¶ It repplicacōes & calūpnie ꝑlatoꝝ & cleri 9ⁿ respōsioñ Reg.

This latter Roll consists of Three Parts or Membranes. The Gravamina are introduced by the following Sentence:

"A vobis serenissimo principe Dño Edwardo, Dei gra Angloꝝ Rege illustri, fideles vri ac devoti Prelati et Clerus. Cantuarem Provincie humiliter petunt, quatenus in hiis que sequuntur, remedium adhibere dignemini opportunum."

Then follow the Particulars of the *Gravamina Antiqua*, which appear similar to those presented to King Hen. III. A.D. 1258. noticed by Lord Coke, 2 Inst. 599, &c. and lately discovered in the King's Remembrancer's Office in the Exchequer, on a Roll intituled "Articuli & Petitiones ꝑlatoꝝ Anglie, &c." The Remainder of this Canterbury Roll, C. 256. appears to contain Proceedings subsequent to those entered on the Exchequer Roll; and all these Rolls together afford Matter for a much more detailed and accurate Account of the Proceedings previous to the Articuli Cleri 9 E. II. than is given by Lord Coke in his Second Institute.

Appendix (S.)

A Report of the several Public Records, &c. discovered in the Record Office at the Tower, since the beginning of the Year 1804, when the present Keeper of the Records in the Tower entered upon his Office.

Appendix (S.) Records discovered.

THE present Keeper of the Tower Records, having been anxious to make himself acquainted with all the Particulars of the valuable Charge entrusted to his Care, has taken every Opportunity of examining such Bundles and Rolls in the Record Office at the Tower, as were not labelled, or noticed in any of the Calendars remaining in the Office; and the immense Mass of unsorted Records dispersed about in every Part of the Record-Rooms; in which he was assisted by Mr. Illingworth during Part of the Years 1804 and 1805, by Order of His Majesty's Commissioners on the Public Records. The Result of these Investigations has been the Discovery of the under mentioned Records and State Papers, which do not appear in the Return made to the Committee of the House of Commons in the Year 1800.

1.

Parliamentary Records.

RETURNS TO PARLIAMENT.

A considerable Number of Returns to Parliament, from the Reign of King Henry the Sixth to that of King Charles the Second, comprising great Part of the Returns to the Three Parliaments during the Usurpation, were found covered with Filth, and dispersed in the great Heap of unsorted Records, under the Arch at the North-West Corner of the White Tower: these have been cleaned, arranged in Port-folios, and placed in the Wakefield Tower.

PETITIONS TO PARLIAMENT.

An immense Quantity of Parliamentary Petitions were discovered in the White Tower in the Years 1804 and 1805, which were cleaned, smoothed, and arranged, and a particular Report of them was drawn up by Mr. Illingworth, by Order of His Majesty's Commissioners on the Public Records, and submitted to them in the Year 1805.

Several other detached Parliamentary Records have been also discovered, among which are the Original Articles exhibited in Parliament by John Duke of Bedford, 11 Hen. 6.

2.

State Papers.

Letters Missive from the King to the Lord Chancellor, and from the different Sovereigns of Europe to the Kings of England, from the Beginning of the Reign of King Henry the Third, to the End of the Reign of King Richard the Third, were found, some of them under the above mentioned Arch in the White Tower, and some in the North Gallery of the Chapel. Above 500 of these, during the Reigns of King Richard the Second, Hen. 4. Hen. 5. Hen. 6. Edw. 4. and Richard the Third, which are written on Paper, have been cleaned, arranged, and made smooth, and about Half of them inlaid in strong Drawing Paper, and bound in Volumes.

There are also a very great Number of Letters from the Heads of different religious Houses, and other Ecclesiastics, to the King; and about an hundred have been found addressed by the Nobility and Ecclesiastics, particularly Pandulf the Legate, to Hubert de Burgh the Chief Justice, in the Beginning of the Reign of King Henry the Third, the greater Part of which have been smoothed and arranged. The Letters of the Kings of England, and those addressed to them by their Subjects, already arranged, amount to Eight large Folio Volumes.

Appendix, (8.)

Records discovered.

A great Number of those from the Kings of France, the Kings of Spain, and the Kings of the Romans, and from the Dukes of Norway, the Earls of Holland, and Earls of Flanders, have been cleaned, smoothed, and sorted in Port Folios.

There are also several Instruments, containing Instructions to Ambassadors and Memorandums of Treaties, &c.

A great Mass of State Papers, which were discovered in a Closet in the Wakefield Tower, tied up in Bundles, have been placed in a large Box, in the Closet of that Tower, for the Purpose of being examined and arranged at the first convenient Opportunity; from a cursory Examination of them, it appears that several of these Instruments printed in Rymer, without any Intimation of the Repository, where the Originals were preserved, are in this Collection *.

3.

Records of the Court of Chancery.

A very great Number and Variety of unarranged Records of the Court of Chancery, have been found dispersed through the Record Office, and the Chapel and Room in the White Tower, in Lockers, Drawers, and Cupboards, as well as in the great Heap under the Arch; consisting of Partitions of Lands, Assignments of Dower, Writs of Scire Facias to repeal Letters Patent with the Pleadings thereon, (of these there are Fifty-six issued on Behalf of Henry Prince of Wales to repeal Letters Patent of Queen Elizabeth, by which she had granted to divers Persons, several of the Possessions of the Dutchy of Cornwall). Inquisitions of the annual Value of Benefices in the Towns of Cambridge and Abingdon, taken under the Act for providing Maintenance for preaching Ministers, Inquisitions Post Mortem, and Inquisitions ad quod Damnum, Writs de Ætate Probanda with Returns, and a great Number of Placita Corum Rege in Cancellaria, particularly Pleadings upon Traversers of Office in the Reigns of King Henry the Seventh and Henry the Eighth, and various other important Records relating to Lands.

In the Year 1800 when a Return was made to the Select Committee of the House of Commons of the Records in this Office, it does not appear to have been known that there were any Proceedings in the Court of Chancery preserved there, of an earlier Date than the Reign of Queen Elizabeth, except a few in the Reign of King Henry the Sixth; there have since been discovered in an obscure Part of the North Gallery of the Chapel in the White Tower, a Series of these Proceedings, consisting of Bundles of Bills, Answers, and Depositions, during the Reigns of King Henry the Sixth, King Edward the Fourth and Fifth, and King Richard the Third.

Several hundred Bundles of Bills and Answers, which were piled up on the Top of the Presses in the Great Room, adjoining the Gallery of the Chapel in the White Tower, none of which have any Labels, or are noticed in any of the Calendars, appear by an Examination of several of them to be of equal Importance with the rest; and to contain Files of Proceedings from the Reign of King Henry the 7th to that of Queen Anne. These will be placed in Presses in the Gallery of the Great Room lately added to this Office, when the Works now going on there are completed.

The great Mass of unsorted Records lying under the Arch at the North East Corner of the White Tower was thrown out in the Year 1809, and in the Course of that and the following Year was sorted, and the several different Kinds of Records deposited in Boxes for the Purpose of future Examination and Arrangement. By far the greater Part of this Collection was found to consist of Bills and Answers in Chancery, a very great Quantity of which to the Amount of upwards of Seven thousand have been since unfolded, cleaned, smoothed, and arranged in Port Folios, under the Names of the several Chancellors; chiefly during the Reign of King Henry the 7th, Henry the 8th, King Edward the 6th, Philip and Mary, Queen Elizabeth, and King James the First. There have been already found the Proceedings in 840 Suits whilst Cardinal Wolsey was Chancellor, 1,560 in the Time of Sr Thomas Audley, and 1,250 in the Time of Sr Nicholas Bacon.

4.

Miscellaneous Records.

A great Number and Variety of ancient Records have been found in this Office, which are not particularized in the Report of 1800, and which cannot well be reduced under any general Heads. The most valuable and important of these are, a Collection of Miscellaneous Rolls from the Time of King John to that of Queen Elizabeth.

* Many of them are greatly injured by the improper Use of the Infusion of Galls.

Of

Of these the Keeper of the Records has begun a general Calendar, a Specimen of which is subjoined to this Report. Among the miscellaneous Records should also be mentioned two Wardrobe Accounts of the 6th and the 18th Years of King Edward the First in Books, and two other Books entitled, "Liber Contrarotulatoris de "necessariis expensis," of the 14th and 18th Years, besides two Fragments of Books of the same Kind of the 13th and 25th Years of the same King.

APPENDIX, (S.)

Records discovered.

5.

Judicial Records.

In the South-east Closet of the Wakefield Tower were deposited a very large Collection of Rolls not noticed in the Report of 1800, the greater Part of which, on Examination, proved to be Essoin Rolls of the Reigns of King Hen. 3. Edw. 1. and Edw. 2. and also Proceedings in the Court of King's Bench and Common Pleas, and before the Justices in Eyre, which have been arranged and placed in a Press on the North-west Side of the Wakefield Tower. A particular Account of these was submitted to His Majesty's Commissioners on the Public Records, the 1st of March 1811. Some Proceedings relative to Forests were found among the unsorted Records in the White Tower, particularly "Placita Forestaꝝ in Com' Southt' de Foresta de Chute," 4 Edw. 3. and "Mete & bunde "Foreste de Bradene," temp' Edw. 3. and also a few Pleadings on Writs of Quo Warranto.

6.

Private Muniments and Papers.

Among the Heap of unsorted Records above-mentioned, there were found a great Quantity of Court Rolls, Deeds, Letters, and other Papers of a private Nature, the greater Part of them relating to the Families of Stoner, of Stoner, in Oxfordshire, and Darrell, of Littlecot, in Wiltshire; those of the Stoner Family are chiefly during the Reign of Henry the 6th, Edward the 4th, and Richard the 3d; several of them are particularly interesting on account of the light they throw on some Parts of the History of this Country; from these the Keeper of the Records has begun a Selection for the Purpose of printing them in a Miscellaneous Collection of Papers illustrative of the History and Antiquities of this Kingdom, from the Record Office in the Tower, and hopes to have a Quarto Volume completed in the course of the present Year; he has also begun printing a Volume of the Royal Letters Missive.

All which is submitted to His Majesty's Commissioners on the Public Records.

Record Office, Tower,
21st Feb. 1812.

SAMUEL LYSONS.

Specimen of a Calendar of the Miscellaneous Rolls in the Record Office at the Tower.

21 Hen. 3. A Roll, entitled, "Recept' de Termino Sc̃i Mich̃ anno regni Regis H. xxj°." containing an Account of the Receipts of the Lord Treasurer of the Exchequer of Monies paid into the Exchequer.

50 to 54 Hen. 3. A Roll of the Purchases of Silver in the King's Mint in the Time of B. de Castell and Richard de Geoffrey, Wardens of the Mint, from the 1st July A° 50 Hen. 3. to the 16th Nov. 54 Hen. 3. and of the said Bartholomew, sole Warden, from the 16th Nov. A° 54 to Christmas A° 55 Hen. 3.

10 Edw. 1. "Rotulus de maner̃ R. & quibꝫdam Castris R. com̃issus finiente anno R. R. E. nono incip̃ x°." containing Entries of divers Castles and Manors belonging to the Crown, committed to farm for Terms of Years, viz. the Castles of St. Briavels, Harestan, Peek, Bolesover, Leicester, Buwelt, Dyvyses, Bamburgh, and Rokingham, and the Manors of Wheteley, Neyland, Mansfield, Brehull Estwood, Releye, Brustwyk, Cleton, Langley and Wyrardisbury, Bansted and Porstock.

10 Edw. 1. A Roll, entitled, "Servitium dñi Edwardi fil Henr' sum̃onitum apud Rothelaneñ ad diem dñicum "in crastino festi Sc̃i Petri ad vincla anno r' ejusdem Reg' decimo contra Leollinū fil' Griffini & "David Fr̃em ejus & alios Walen' rebelles suos p̃sentibꝫ Humfr̃o de Boun Com' Heref' Consta-"bular' Angl̃ Joñe de Boun Avunclo suo & Rog̃o Bygod Marescallo Angl̃."

Containing an Account of such Persons who acknowledged their Services, and who either performed the same in Person, or by their Knights or others, or who made Fine to the King in lieu of their Service.

Appendix, (S.)

Records discovered.

11, 12, & 13 Ed. 1. A Roll containing the Appointments of the Assessors and Collectors of the Subsidy of a 30th granted to King Edw. 1. towards his Expedition against Wales, and an Account of various Sums thereupon paid into the Treasury in the 11th, 12th, and 13 Edw. 1.

A Roll, entitled, "Transcript du Compromis' fact' av' le Pape Boniface par le procurement le "Counte de Mohard et Sire Johan et des x autres nobles de Burgoine aliez nře Seigneur le Roy sur "les guerres meuez entre le Roy D'Engleterre et Roy de France." Printed in Rymer, Vol. 2. p. 814.

22 Edw. 1. A Roll containing a Certificate or Return of the Sheriff of Norfolk and Suffolk, of all Ships in the several Ports of those Counties; to most of which Ships are added the Names and Tonnage. A° 22 Edw. 1.

26 Edw. 1. A Roll, entitled, "De Superioritate Maris Anglie et jure officij Admirallatus in eadem." A°26Edw. 1.

29 Edw. 1. A Roll of Proceedings before the King and Council A° 29 Edw. 1. respecting the Jurisdiction of the Bishop of Chichester, as to his Visitation in the King's Free Chapel of Hastings, in Sussex.

34 Edw. 1. A Roll of Pleadings at Bury St. Edmonds before William de Bereford and others, Special Commissioners, assigned to hear and determine certain Trespasses and Conspiracies between the Abbot of St. Edmond, Plaintiff, and certain Inhabitants of the Town of St. Edmond, Defendants, respecting the Infringement upon the Rights of the Abbot as Lord of the Town in taking Toll, &c. &c. A° 34 Edw. 1.

11 Edw. 2. A° 11 Edw. 2.—"P partes Hugonis le Despenser & Alianore uxis ejus unius Et Hugonis D'Audele "& Margaret' uxoris ejus alterius & Rogi Damorey & Elizabeth uxis ejus ꝑcie filiarum & heredū "Gilbti de Clare nup Comitis Glouc' & Hertf' de ꝑris & ten' que nup fuerunt ejusdem nup "Comitis." With the King's Writs to the Escheators to deliver the Lands, &c. so parted.

19 Edw. 3. Visitation by Special Commissioners, appointed A° 19 Edw. 3. of the King's Free Chapel within his Castle of Hastings.

25 Edw. 3. 25th Edw. 3.—"In hoc rotulo continēt' tenor indictamentoꝝ Johem Fitz Watur' tangentiū coram "dño Rege apud Chelmsford ꝓmino Sci Michis anno regni Regis Edwardi ꝓcij post conquestū "Angl vicesimo quinto & regni sui Francie duodecimo."

Another Roll of the same Date, entitled, "In hoc rotulo, &c. Johem Ferm or Chivaler "tangentiū" &c.

45 Edw. 3. "Nota Ecclias ꝓchialium ac Capellaꝝ et Prebendarum in Comitatu Cornubię tam in manibus Se- "culaꝝ quam Religiosoꝝ existentibus." A°45 Edw. 3.

16 & 17 Ric. 2. 16 & 17 Ric. 2. The Examination taken in a Cause between John Hauley of Dartmouth and John Roches of Cherburgh, respecting a Ship of Roches taken at Sea by Hauley.

13 Hen. 4. 13 Hen. 4th—"P pars Johanne que fuit uxor Ricī Vernon Chivaler ipam contingens de Castro "Manio & dñicis de Coytyff & de Maniis de Newcastell Newland & Lanharry cum ptiñ in Com "Glomg in Marchiis Wallie fact' A° xiij Hen. iv." made before John Derehurst, the King's Escheator for Gloucestershire and the Marches of Wales, by virtue of the King's Writ to him directed.

3 Edw. 4. A Commission under the Great Seal, dated 8 July, 3 Edw. 4. directed to Henry Earl of Essex, John Wenlok de Wenlok Knt, and others, to enquire what Sums of Money were due to the Captain of the Town and Castle of Calais, and the Lieutenant and Soldiers of the old and the new Establishment, and of the Castles of Guynes and Hammes, and the Tower of Ruysbank, and also the Soldiers of the Retinue (retinentia) of the Treasurer of Calais and the Crossbow Men (arbalistariis), Carpenters, Masons, &c. before the 3d Day of March, in the 39th Year of the Reign of Hen. 6th.

Abstract of Letters Missive.

TEMP. HEN. III.

Mem. All the Letters in this Reign are written in Latin.

N°	By whom written, and to whom addressed.	Subject.
1	From William de Marshal Earl of Pembroke to Hubert de Burgh, Chief Justice. This and the Two following Letters have no Date; it should be observed that the Year of our Lord or of the King's Reign is very rarely mentioned in the Letters Missive.	His Kinsman, John Marshal, having signified to him that he had sent Letters of the King to Fawkes [Falcasius] de Brealte ‡ for him to have peaceable Possession of his Wood of Norton, &c. within the Bailiwick of the said Falcasius. To which Falcasius answered, That if he sent him 30 *Pair of Letters of the King*, § he should not enjoy his Wood, &c. peaceably; and used outrageous Language, and imprisoned his Bailiff, &c. He entreats the Chief Justice to restrain his Excesses.
	From William Longespée Earl of Sarum to the same.	To the same Effect as the preceding, and nearly in the same Terms.
4	From Llewellin Prince of North Wales to the King.	The Prince acknowledges the Receipt of the King's Command, that he should not receive or afford any Assistance to Falcasius de Breaute, who had seized Henry de Braybroc, one of the King's Justices, and imprisoned him in Bedford Castle. To which he answers that Falcasius came to him grievously complaining of the Wrongs which had been done him by the King's Council on this Occasion; he being ignorant of the Seizure of the said Henry, and having offered that his Brother William should be answerable for it; and that he departed the same Day that he came. Nevertheless the Prince conceives that he should have been justified if he had received him, for he does not enjoy less Liberty in that Behalf than the King of Scotland, who receives Outlaws from England with Impunity: That he never had heard of any Injury Falcasius had done towards the King or his Father, but on the contrary that he had served both faithfully; and concludes with heavy Complaints of the Injuries done to himself, which he has no Expectation that the King's Council will redress. And prays that on these and other Matters, God will give His Majesty and himself wholesome Council, of which they both stand in great need.
	"Pandulf Norwici electus dñi pp̃ Camer̃ Aplici Sedis leg̃ H. de Burg̃ Justiciario Anglie." Dated At Cirencester. 3 Kal. Feb.	Pandulf the Legate had bent his Course towards the Parts of Wales, not for his own Advantage, but because he saw that it was expedient for the Honour of the King and his faithful Subjects; and though he had not finished that which he had undertaken, he will, at the instance of the Chief Justice, on account of the pressing Occasion which had lately occurred, direct his Journey towards London.
	"Pandulf Norwici electus dñi pp̃ Camer̃ Aplici Sedis leg̃ H. de Burgo Justiciario Anglie." Dated At Wells. 17 Kal. Feb.	The Pope having committed to the Legate, the Archbishop of Canterbury, and the Bishop of Salisbury, the Appointment to the Church of Ely, and they having agreed in choosing the Abbot de Fontibus; the Legate presents him to the King, requesting that he would receive him favourably, and accept his Fealty.

TEMP. EDW. I.

1	The King to Llewellin Fitz-Griffin Prince of Wales. Dated Westminster. 25th Oct. Anno r. 7. N. B. This and the two following Letters are in Latin.	The King having heard all that could be urged by the Prince of Wales's Attornies in the Plea betwixt him and Griffin Fitz-Wenunwen of the Land of Arwystly, &c. and also by those of the said Griffin *in his* present Parliament, would be justified in proceeding against the Prince as undefended, on account of the Insufficiency of what had been urged by his Attornies; nevertheless he postpones the Determination of the Cause till the next Parliament which should be at Westminster from the Day of Easter in Three Weeks, when the Parties are ordered to attend; and Llewellin is directed to send certain Persons, by whom the King's Court may be certified whether they ought to proceed in the Premises according to the Law of Howel Da, or the Law according to which the said Griffin demands Judgment.

‡ Called by all modern Historians (except Carte) "de Brent." In ancient Records the Name is uniformly written de Breaute or Brealte.

§ This Letter serves to explain the following Passage in Mathew Paris's History, which would be otherwise unintelligible: "Nempe fuerunt eo tempore [1224 in Oct. S. Trinitat.] apud Dunestabiliam Justiciarij Regis, quos Itinerantes appellamus: Martinus scilicet de Pateshulle, Thomas de Multona, Henricus de Braibroc et alij: qui ibidem tenebant placita Regis de nova dissaisina. Ubi Falcasius inter alios qui multos spoliaverat cecidit in misericordia Regis *de pluspuam triginta paribus literarum*; de quibus singulis in Centum libris erga Regem debuerat condemnari." M. Paris Hist. Angl. p. 320. Edit. 1640.

Appendix, (8.)

Records discovered.

TEMP. EDW. I.—*continued.*

N°	By whom written, and to whom addressed.	Subject.
2	Llewellin Prince of Wales and Lord of Snowdon to the King. Dated Nevyn. Purification of the Bl. Virgin Mary.	Some Honey and Horses of the Prince being detained at Chester by reason of a certain Wreck, before the War in his Country; when he expected to have had Redress by the King's Command, his Servants sent to Chester to purchase Necessaries were attached by the Justice, and his Honey of the Value of £4. taken from them. He complains of being ill used respecting the Suit betwixt him and Griffin Fitz-Wenunwen, and prays for Redress.
3	The King to William Archbishop of York. Dated Rothelan. 25th Nov. [Anno r. 11°.]	The King having determined to proceed against Prince Llewellin and the Welsh, commands the Archbishop, with all his Suffragans, Abbots, Priors, and all other Heads of Religious Houses, to meet him, or certain Persons deputed by him, at York, on the Octave of St. Hilary.

TEMP. EDW. III.

Mem. These three Letters are written in Latin; many on the same Subject, and written at the same Time, are in French.

	From the Prior and Convent of Pentneye (in Norfolk) to the King. Dated In their Chapter at Pentneye. Pridie Idus Marcij A. D. 1334.	They are extremely sorry that it is not in their Power to satisfy the Subsidy demanded by the King's Letters, on account of the Marriage of his Sister Eleanor, but send him 40 s. intreating that His Majesty would not be offended at their offering so small a Sum.
	From the Abbot of Vale Royal (Cheshire) to the King. Dated At their said House. 7. Anno Regis.	Acknowledging the Receipt of the King's Letter, bearing Date at Pomfret, the 18th Day of February in the 7th Year of his Reign, in which he tells them that he deems their Excuses insufficient for not affording him the Subsidy he had demanded, on account of the Expences of marrying his Sister Eleanor to the Earl of Gerl, and again demands the Subsidy. They state that the Monastery was refounded by his Grandfather, on account of a certain Vow he had made on his Escape from Peril of the Sea; and that it was but partially endowed, and the Fabric of their Church only begun at the Time of his Death, in consequence of which they are left in a wretched Condition; nevertheless they offer to His Majesty 100 s. to be paid when by his Gift their Establishment shall be completed.
	From the Prior and Convent of Angleseye (Cambridgeshire). Dated At Angleseye. 17th March.	Their House is so poor and so ill-endowed, that by means of Tithes, Tallages, and Murrain of Cattle, they are unable to contribute to his Majesty's Wants on account of the Marriage of his Sister, as they wished to have done; nevertheless out of their poor Estate they will, at the ensuing Michaelmas, pay the Sum of Forty-pence to whomsoever he shall appoint, in Aid of his Charges; which small Sum they hope he will receive without Indignation.

Abstract of Royal Letters Missive.

TEMP. RIC. II.

Mem. All the Letters of this King are in French.

2	A nře tres cher & feal Michel De la Pool nře Chanceller. Dated Hengham Castle. "Cest nuit bien tard." No Date.	The Scots having invaded the Kingdom, the Chancellor is ordered in all haste to cause to be assembled all the Lords of the Realm, with their Retinue prepared for War, in 14 Days, either at London or Northampton, as he should judge most expedient. And also to order the Sheriffs to summon all the King's liege Subjects between the Age of 16 and 60, to be at the same Place, to march with him against his Enemies; the King intending to be at Havering on the Saturday, and at London the Sunday following.
9	A tres rev'rend pere en dieu nře tres chier Cousin l'Archevesque de Canterbiry nře Chanceller. Dated The Abbey of St. Albans. 2d March.	The King having ordered Richard de Lone, Mason, to make Cannon Balls (piers pour Canons) in his Lordship of Harescomb in Gloucestershire: Directs that the Chancellor should make a Commission to him under the Great Seal, to take such Workmen, Artificers, and Carriages as he might stand in Need of on that Occasion.

TEMP. RIC. II.—*continued.*

No	To whom addressed.	Subject.
12	To the same. Dated Romsey. 13th Sept.	The Duke of Berry having informed the King, by Letters brought by the Prior of St. Thomas of Canterbury, that in consequence of the great Mortality in the Marches of Boulogne and Calais, where the Ambassadors were to assemble on the 16th Day of September following, it would be advisable that they should meet at Bruges or Amiens. It appears, nevertheless, to the King, that as the said Prior has reported, that there is no Mortality in the said Marches, or in the Marches of Piccardy, likely to be dangerous to those coming thither, it would be better not to change the Place of Meeting; yet if any reasonable Cause should arise, the Ambassadors should be empowered to change the Place, and give the necessary Passports to those resorting to them. And as Le Sire Destrop, One of the said Ambassadors, could not attend on that Occasion, the Chancellor is directed to alter the Letters Patent, putting in his Place the Name of Thomas Beaufort, Admiral of England.

TEMP. HEN. IV.

Mem. All the Letters of this King are in French.

	Au Rev'ent pere en dieu nře & ch' cousin levesque d'Excestre nře Chanceller. Dated On board the King's Ship named the Trinity in the Port of Milford. 27th May.	The King, at the Request of the Duke of Rothsay, orders the Chancellor to prepare Letters of Safe Conduct, under the Great Seal, for John Spershot Esquire, and John Feller, valet, who were formerly dwelling with Sir Thomas Mortemer Knight, deceased, to come to the King's Presence in His Realm of England, or elsewhere, and to return at their Pleasure.
	A nře tr chier clerc Sr John Searle nře Chancellier. Dated Hertford Castle. 27th Nov.	The Chancellor is directed to give in Commandment, by the King's Writs under the Great Seal to the Abbot of Cirencester, that he should not do, or cause to be done, any Damage or Molestation to the King's liege Men of the said Town, but that he should suffer the said Town to be of free Condition until the next Parliament.
	To the same. Dated The Palace of Westminster. 12th Nov.	John Hulton of Baconstreet, and John Bedenale, being by the Malice of certain Persons their Enemies, indicted of divers Murders, Rapes, and Felonies, before the Justices of the Peace for the County of Stafford, the King wills, that the Indictment be removed into the King's Bench, to be there determined according to the Laws.

TEMP. HEN. V.

These Letters are written in English, as are all those of King Henry the 5th, after the Year 1417.

1.	"To the Worshipful fader in God oure right trusty and welbeloved the Bishop of Duresme our Chancellor of England." Dated The Town of Vernon. 28th April.	The King encloses a Petition from the Parson of Street in Somersetshire, complaining that the Abbot and Convent of Glastonbury had taken away his Plough, &c. and imprisoned his Men, because he had sued them for Tithes; and orders the Chancellor to call both Parties before him, "and their Causes herd, that he do "unto them both Right and Equite; and in especial that he see that the porer "Party suffre no Wrong."
2.	To the same. Dated Lambhithe. 9th May.	The Chancellor is commanded to attend to the Petition of Margery Daye, touching certain Extorsions and Harms done unto her Husband and her by John Armesby, Notary of Leicester; and to see that Right be done to the Party complainant, "and the more favourably considering the Poverty of the said Margery."
3.	To the same. Dated "In oure hoost before Roan." 9th August.	The Chancellor is ordered to cause Proclamation to be made in all the Seaports and other Places, that the Truce between the King and the Duke of Bretagne was "prorogued until Halownesse next coming."

TEMP. HEN. VI.

These Letters as well as all those of the same King are written in English, and most of his Letters are signed with his Initials R. H. at the Top of the Letter. The Royal Signature does not appear to any Letter before his Time.

1.	"To the right reverend fader in God our right trusty and right welbeloved the Archbishop of Canterbury our Chancellor of England." Dated At Alsforth. 24th January. [25 Hen. 6.]	Though the King had before written to the Chancellor for the removing the Parliament, which was to have been holden at Cambridge, to Winchester, on account of the Pestilence; yet he now directs that it be holden at the Town of St. Edmund's Bury.

APPENDIX, (8.)

Records discovered.

TEMP. HEN. VI.—*continued.*

N°	To whom addressed.	Subject.
2.	To the same. Dated Westminster. 8th July.	There being an Assize arraigned by one Edmund Cornwell in the County of Hereford, against Humphry Blount and others of his Freehold in Ashton, before William Yelverton and Richard Bingham, Justices. The Chancellor is ordered to make Letters of Association under the Great Seal, that William Burley be associate with them, and that they should not proceed on the said Assize unless he be present.
3.	To the same. Dated At our Castle of Berkhampsted. The last Day of May. [22 Hen. 6.]	The Wardship and Marriage of the Daughter of the Duke of Somerset, then lately deceased, to be granted to the Earl of Suffolk; and the Chancellor is directed to prepare Letters Patent accordingly.

TEMP. EDW. IV.

Mem. The Letters of K. Edw. IV. are all written in English, and most of them signed by the King, with a Monogram formed of the Letters R. E. and frequently with Notes at the Bottom in the King's Hand-writing.

1.	To the R^t^ Rev'end fadre & entirely beloved Cousin our Chancellor of England. Dated Pomfret Castle. 2d Dec. [1463.]	A Commission of Oyer and Terminer to be made, directed to John Shipward, Mayor of Bristol, Nicholas Chook, One of the King's Justices, Thomas Yong, Serjeant at Law, and others, for the Punishment of certain Persons who had stirred up Commotions and Insurrections in the Town of Bristol and its Neighbourhood; with a Memorandum in the King's own Hand, that if the Chancellor thought he should have a Warrant, he might have one made in due Form.
2	To the right reverend fader in God our right trusty & welbeloved the Bishop of Bathe our Chancellor. Dated Canterbury. 11th June.	The King commands the Chancellor to send him by the Bearer a new Commission of the Peace for the County of Suffolk, inclosing a Schedule of the Names to be contained in it, and charging him not to change the same Commission in any wise, without a special Commandment from him so to do.
3	"To our trusty and welbeloved Clerk Maister Robert Kirkeham keper of our great Seel and of our Rolles in oure Chancerie and our welbeloved Counsellour Thomas Colt clerk of our hanaper." Dated The Monastery of St. Albans. April.	The King is very much surprized that a Safe-conduct has not been made for the Kervel of Spain lying at Southampton, and for the Master and Mariners of the same, according to the verbal Directions given by him to the Clerk of the Rolls, and the Privy Seal delivered to him by Earl of Worcester; and peremptorily commands him to make it out without Delay, for which, if the Warrant were not sufficient, he should have it renewed, though the King thought his Speech was sufficient Warrant; with a Note in the King's Hand-writing, that he "willed "the Premises to be sped without Delay."

TEMP. RIC. III.

Mem. The Letters of K. Rich. 3. are all in English, signed by him at the Top with the Letters R. R.

1	"To the right reverend fader in God our right trusty and welbeloved the Bishop of Lincolne or Chanceller of England." Dated Our Town of - - - ngdon. 12th March.	The Chancellor is ordered to make a Commission under the Great Seal, for taking such Carpenters and other Artificers as might be thought expedient for the finishing of the Chapel of Our Lady and St. Nicholas (now King's College) in the University of Cambridge.
2	To the same. Dated The Castle of Kenelworth. 22d May.	The King of Scotland having desired a Safe-conduct for the Archbishop of St. Andrew's, with Forty Persons on Horseback, to pass to Rome; and also for certain Persons to be Commissioners to keep the Diet to be holden on the Borders; the King orders the Chancellor to prepare Letters Patent under the Great Seal, assuring him by that Letter, signed with his Hand, that His Majesty at more Leisure would make unto him such sufficient Warrant for his Discharge in that Behalf, as he should think best to be devised; enclosing a Schedule with the Names of the Scotch Commissioners, signed by the King at the Top and Bottom.
3	To the same. Dated The Monastery of Gloucester. 2d Aug.	The Chancellor is ordered to make Letters of general Pardon under the Great Seal for Sir Ralph Hastings Knight, late Lieutenant of the Castle of Guines; and also Letters of Confirmation of all Lands, "Livelode," and Offices granted to him by King Edward the Fourth, and to cause the same to be delivered to the said Sir Ralph out of the King's Hanaper, sending unto His Majesty the very Copies of them, to the Intent he might thereupon provide a more sufficient Warrant to the Chancellor, besides that Letter signed with his Hand.

Appendix (T.)

Report of Records, &c. discovered in the Chapter House of Westminster since 1800.

To His Majesty's Commissioners on the Public Records of the Kingdom.

IN Compliance with the Order of His Majesty's Commissioners on the Public Records of the Kingdom, directing me to make a Report, as to Records discovered in the Chapter House, since my first Appointment to arrange them; the said Order explaining, that under the Term "Records discovered" was meant such as were in Confusion, and "not noticed in any Calendar," I beg Leave to report as follows:

That the Records preserved in the Chapter House, unarranged or not calendered, at the Time of my Appointment, were so numerous and so very miscellaneous in their Nature, that I feel considerable Difficulty in classing them under their proper Heads. They may, however, be comprized under the following, viz.

PARLIAMENTARY.
STATE PAPERS.
JUDICIAL AND MINISTERIAL.
MISCELLANEOUS.

Under the First Head of PARLIAMENTARY are included,

STATUTES and
PLACITA PARLIAMENTARIA.

The Statutes are,
- Enrollments or Transcripts of Statutes transmitted under the Great Seal to be enrolled, *i. e.*
  - —De illis qui debent poni in Juratis et Assisis.
  - —Gloucester.
  - —Winton.
  - —Wales.
  - —Westm. 2.
  - —De Mercatoribus.
  - —Resumption, &c. &c. &c.

Placita Parliamentaria.
- 10 Rolls of Transcripts of Petitions and Proceedings in Parliament sent to the Courts, either to be enrolled, or to be there judicially proceeded in and determined.

STATE PAPERS, these comprize (inter alia),
- Treaties and Transactions with the different States of Europe, from Edw. 1. to Elizabeth; amongst them are those between England and Scotland.
  - Papers relating to the Contest and Award between Bruce, Balliol, &c. and the other Competitors for the Crown of Scotland.
  - Claim of Edw. 1. as Superior Lord over the Kingdom of Scotland.
  - Pleadings and Petitions in the Parliament of Scotland.
- Royal Letters, *i. e.* from several Foreign Kings and Ministers to Hen. 8. and his Queen and Ministers.

STATE PAPERS—*continued.*
- Correspondence with Kings, Ambassadors, and Ministers, under this Head:
  - Letters and Correspondence to, from, and with Cardinal Wolsey, Thomas Lord Cromwell, Lord Lisle, and other Persons in the Administration of the Affairs of State.
- Rebellions and Treasons,
  - In Yorkshire and Lincolnshire in the Reign of Hen. 8.
- Attainders.
  - Rolls in divers Counties, containing Surveys and Accounts of forfeited Estates belonging to the
    - Duke of Buckingham,
    - Marquis of Exeter,
    - Earls Warwick, Spencer, Kent, Derby, Devon,
    - Sir John Seymour,
    - Sir William Compton,
    - Catesby, &c. &c. &c.
  - Inventories of Chattels relating thereto.
- Divorce of King Henry the Eighth with Queen Catherine.
- Papal Bulls.
- Papal Supremacy.
- The Imperial Crown and Jewels.
  - Annexation thereof to the Crown of England by James 1.
- Ireland, Papers relating to the Affairs of, Hen. 3., Edw. 3., and Hen. 5.
- Privy Seals for Benevolences and Loans, Hen. 7. and Hen. 8.

APPENDIX, (T.)

Records discovered.

JUDICIAL and MINISTERIAL, *i. e.*

Assize Rolls for each County, Chronologically
from - - - Ed. 1. Ed. 6.
—and in Counties - Hen. 3. Ed. 4.

Chancery, Court of,
Privy Seal Bills - - Hen. 8. Eliz. and Jas. 1.

Chivalry, Court of,
Pleadings there - - 24 Edw. 1.

Common Pleas, Court of,
Writs Original and Judicial, Bail Pieces, Habeas Corpus cum Causâ and Returns, Jury Process, Records for Trial, and Posteas, Writs of Execution, &c. - - Edw. 3. to Car. 2.

Curia Regis,
Fines and Pleadings therein.

Eyre,
Rolls of Pleadings before the Justices in Eyre on their Circuits, and amongst these the Pleadings in Quo Warranto - - Hen. 3. to Edw. 3.

Gaol Deliveries - - Ed. 1. to Hen. 6.

King's Bench, Court of,
Similar Proceedings to those under the Head "Common Pleas."

Marshalsea, Court of,
Pleadings therein - - Ed. 1. 2. 3.

Coroner's Rolls - - - Ed. 1. Hen. 4.

Hundred Rolls
taken under a Special Commission A° 2 Ed. 1.
—Estreats thereupon.

Ministers or Stewards, Accounts of
Estates belonging to the Crown—Various Reigns.

MISCELLANEOUS, *i. e.*

Abbies,
Surveys of - - - Hen. 8.

Butlerage,
Accounts of - - Hen. 8.

Calais,
Accounts relating to the Staple Hen. 8.
Treasurers and Comptrollers Accounts - - - Hen. 8.

Castles, Royal and Palaces,
Accounts of the Expence of Buildings and Repairs of, viz.
Hampton Court
Windsor
York Place
Edw. 4. and Hen. 8.

Chantries,
Particulars for Sales of Lands belonging to - - Edw. 6.

Charles 1st,
Receiver General's Accounts of Lands late belonging to - A° 1643.

Colleges, *i. e.*
Ipswich.
Cardinal College, Oxon'
Endowments of - - Hen. 8.

MISCELLANEOUS—*continued.*

Customs,
Receiver General's Account of - Various Reigns.

Dioceses,
Bags of Deeds of divers Dioceses.

Escheats,
Rolls of Accounts of Lands escheated to the Crown - Hen. 8.

Exchequer Accounts - - Hen. 8.

Excise,
Receipts of Collectors for the Standard - - A° 1700.

Extents of Manors,
in various Counties - - Various Reigns.

Forfeited Estates,
Surveyors Accounts of Various Reigns.

Funerals,
Orders for Royal and other Funerals - - Hen. 8. and Eliz.

Garter,
Statutes of the Order of the - Hen. 8.

Gold, Silver, and Tin Mines in
Cornwall
Devon
Gloucester
Somerset
Various Reigns.

Henry 7th's Chapel,
Books respecting the Foundation of - - Hen. 7.
The erecting of his Monument Hen. 8.

Household, Royal,
Accounts of - - Hen. 7 & 8.

Jewels and Plate,
Indentures for the Delivery of - Ed. 2. & 3.

Jews,
Rotuli Judeorum & Starra - John & Hen. 3.

Land Revenue,
Wood Sales,
Surveys.

Manors,
Surveys, Extents, and Rentals of, various.

Mines, Royal,
Vide Gold and Silver.

Mint,
Assays, Indentures, &c. - Ed. 3. & Car. 1.

Monasteries,
Surveys and Visitations, and Reports of Visitors, and Surrenders of - - Hen. 8.
Pensions to Abbots, &c. of dissolved Monasteries - Hen. 8.

Mortmain,
Licences to Cardinal Wolsey to endow his College - Hen. 8.

Musters of Men at Arms, Hoblers, &c. in various Counties - Hen. 5. 6. & 8.

MISCELLANEOUS

MISCELLANEOUS—*continued.*

Navy and Ordnance, Accounts	Hen. 8.
Palaces, Castles, &c. Accounts of Expences of	Ed. 4. Hen. 8.
Ponthieu, Treasurers Accounts of	Ed. 3. Hen. 5. and Hen. 8.
Wardrobe Accounts	Ed 1. Hen. 8.
Wills, Royal, viz. King Ric. 2.	
Hen. 5.	
Hen. 7.	
Hen. 8.	
Wood Sales	Hen. 8. and Edw. 6.

Having thus stated a few of the general Heads, for the Purpose of shewing the Nature of the Records and Documents newly arranged, I beg Leave to add, that such of them as related to SCOTLAND were contained in Two large Chests, in great Confusion, and in a perishing State. The Instruments of various Reigns were intermixed, and most of the Seals, from the decayed State of the Parchment, had fallen off, and were at the Bottom of the Chests; so that it was impracticable, in every Case, to attach them to their proper Instruments.

I have sorted the Whole into regal and chronological Order; comparing them with the Calendar printed by Sir Joseph Ayloffe and with Rymer; giving the Title to each Instrument, from the one or other of these Works, as seemed most applicable to the subject Matter; in some Instances varying from them, in others blending both Titles, where most suitable, but always noticing in the Margin of the Calendar (which I made of them) those printed by Rymer, and their State of Preservation. Such Instruments as I found in a decayed State, I have folded up in Paper, and indorsed their Titles; and on all of them I have marked a Number corresponding with the Calendar, and placed them in Boxes, marked alphabetically, also to correspond with the Calendar; and the better to preserve them from further Decay, I have removed them into the Attic Room of the Chapter House, which I conceive to be much drier than the Basement Story of the Building.

In regard to the other unarranged Records and Documents, I found a prodigious Quantity, comprized under the 2d, 3d, and 4th Classes, lying dispersedly on the Floor of the Attic Room; which I endeavoured to arrange and divide under appropriate Heads; taking the Report of the Right Honourable George Rose in 1800 for my Guide. The Royal and other Letters and Correspondence with Ambassadors and Ministers, and those of Cardinal Wolsey, Thomas Lord Cromwell, and Lord Lisle, &c. have been placed together, and marked with Tickets, so as to afford an easy Reference to them. The Grants of the Possessions of several dissolved Monasteries have been carefully cleaned, and their Contents endorsed, as well on the Grants, as on the Boxes, in which they are placed. The Assize Rolls and those of the Proceedings of the Justices Itinerant have been divided into Counties, and arranged chronologically with Tickets denoting the Nature and Year of each Roll. To every Bag, Bundle, Box, &c. of the other Records and Papers in the same Room, Tickets have been also affixed, on which are marked the Division and Subdivision of the Room, with the Number of the Bag, &c. referring to corresponding Numbers in my Calendar; in which I have noted the Contents of every such Box, Bundle, and Bag; so that any Article, seen in the Calendar, may be speedily referred to.

A similar Arrangement has been made of the Contents of the numerous Bags of Records reposited in the Chief Clerks Office, denominated "County Bags." They contain principally Rolls of Assize, and of Pleadings before the Justices Itinerant, and especially Pleadings in Quo Warranto before the same Justices; Bailiffs and Ministers Accounts; and Surveys and Extents of, and numerous Antient Deeds relating to Manors and Lands; together with the Forest Proceedings; and the Hundred Rolls of each County. These various Instruments, from the Tickets and Numbers to each Roll and Article, corresponding with the Calendar, may also be easily referred to.

The important Advantage of this Arrangement has been already felt by the Public; and I hope I may be excused, in adverting to a recent Instance thereof, when I state, that the Adjudication of the Commissioners, under an Act for enclosing the Commons of Havering atte Bower in Essex, in favour of the Right of a great Number of Persons possessed of antient Messuages and Cottages in that Manor, was founded, in a great Measure, if not solely, on a very curious and ample Extent of that Manor, taken A° 35 Edw. I. which sets forth all the antient Customs and Rights as to Common in Havering. Many other Extents of Manors in various Parts of the Kingdom, equally important with the above, are to be found in the Calendar.

For a more detailed Account of the various Records and Documents preserved in the Chapter House, and arranged by me, I beg Leave to refer to my Press Catalogue made in the Year 1807, which His Majesty's Commissioners have been pleased to approve of; and also to the Calendar finished by me in the Year 1808, since transcribed on Vellom, which I have now the Honour of laying before His Majesty's Commissioners.

Record Office, Tower,
16th March 1812.

W. ILLINGWORTH,
Deputy Keeper of the Records in the Tower,
} Sub-Commissioner.

Appendix (U.)

Report of Records, &c. discovered in the Office of the King's Remembrancer of the Exchequer at Westminster.

APPENDIX, (U.)

Records discovered.

THE Records there discovered are of the following Description:—I. Surveys and Valuations of Property, which belonged, 1st, to the Religious, and 2d, to the Laity; but some Time in the Hands of the Crown, in the Reigns of Edward I. and in subsequent Reigns.—II. Taxations; 1st, of the Property of the Religious and the Clergy; and, 2dly, the Laity; in the Reigns of Edward I. and in subsequent Reigns.

I.

(1st.)—Of the Surveys and Valuations of the Religious.

1. Extents of the Manors, and as well of the Spiritual as Temporal Possessions of the Alien Priories, (seized and kept in the Hands of the Crown during the Wars of this Country with France,) in the Reigns of Edw. I. II. III. and Ric. II. 2. Extents of the Manors and the other Temporal Possessions of Abbies and Priories of Royal Foundation (seized and kept in the Hands of the Crown during Vacancies) in the Reigns of Edw. I. II. III. Ric. II. Hen. IV. V. VI. and Edw. IV. 3. Extents of the Manors, and the other Temporal Possessions of Archbishops and Bishops, made during Vacancies, in the Reigns of Edw. I. II. & III. 4. Extents of the Manors, and as well of the Spiritual as the other Temporal Possessions of the Knights Templars in England, made upon the Suppression of the Order, and when their Property in England and Ireland was seized into the King's Hands. 5. Extents of the Manors and Spiritual Possessions of the Knights Templars in Ireland in the Reign of Edw. II. 6. Bailiffs Accounts of the Possessions of Alien Priories, of Abbies and Priories of Royal Foundation, of Archbishops and Bishops, and of the Templars; audited, passed, and declared before the Treasurer and Barons of the Exchequer in the Reigns of Ed. I. II. III.

(2dly.)—Of Surveys and Valuations of Property not belonging to the Religious.

1. Extents of Manors in the Reigns of Ed. I. II. III. 2. Bailiffs Accounts of Manors in the Reigns of Ed. I. II. & III. 3. Inquisitions Post Mortem. These are authentic Transcripts of the Inquisitions Post Mortem in the Tower, and in the Rolls Chapel; and from the Quantity and the good state of Preservation in which they are, it is very probable, that all the Defects and Losses in the two Repositories before mentioned could be supplied. 4. Duchy of Cornwall. An Extent of the Manors, Boroughs, Churches, &c. in Cornwall, taken in the 11th Year of the Reign of King Edward the Third, immediately after Edward the Black Prince was created Duke of Cornwall. This appears to be as accurate and as complete a Survey as any in Existence. 5. Bailiffs Accounts. There are, and these have been discovered of late, Ministers and Bailiffs Accounts of the Whole of the Possessions of the Duchy of Cornwall, in the Reigns of Edw. III. Ric. II. Hen. IV. & V. 6. Escheat Rolls. These Rolls contain Surveys and Valuations of Property, as well belonging to the Laity as to the Religious throughout England, in the Reigns of Edw. I. and till the Reign of Queen Elizabeth.

II.

1st, Of Taxations of the Religious and the Clergy—Pope Nicholas's Taxation in 1291, 19 Edw. I. many original Rolls thereof, and Subsidy Rolls in the Reign of Hen. VI. 2d, Of Taxation of the Laity—Testa de Nevill, Escuage, Tenths and Fifteenths, the Ninth of Corn, Wool, and Lambs, and of Hearths. All the Records above enumerated, when first discovered, were in Rooms without a Window, or scarcely with any Light, and in Confusion. I am able to state that they are now accessible to the Public, and that many of them have been brought forward as Evidence in the Courts in Westminster Hall, and elsewhere, and have been of considerable Advantage in many Instances to Individuals.

Other Records have also been discovered, viz'. Accounts of Wardrobe; Cofferers; Sheriffs; Mines in Devonshire and Cornwall; Mint and Coinage; Jewels; Plate, &c.; The King's Horses; Alnagers; Profits of the Marshalsea Court; King's Butler; Expences for Repairs and Building of Castles, Palaces, Manor Houses, &c.; Army and Navy; Expenses of Messengers, Ambassadors, &c.; Fines for Offences committed by Persons against the Forest Laws; Expenses of repairing Highways and Sewers in the City of London and Westminster; Ministers Accounts of the Possessions in North and South Wales; an Extent of the Profits of the Island of Jersey; and Accounts of the Constable of the Castle of Windsor, with the Forest of Windsor, the Manors and Hundred to the same Castle belonging. There are Records relating to the above-mentioned Accounts in the Reign of Edward the First, and in subsequent Reigns, to the Reign of Charles the Second.

GEO. VANDERZEE,
Sub-Commissioner.

King's Remembrancer's Office,
17th March 1812.

Appendix (V. 1.)

Proceedings of the Commissioners towards carrying into Effect the Measures recommended for Scotland.

Minutes of Boards, 7th May 1806.

APPENDIX, (V.1.)

Measures considered.

AT A BOARD of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Wednesday the 7th Day of May 1806;

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons;
The Right Honourable Lord FREDERICK CAMPBELL;
The Right Honourable Lord GLENBERVIE;
The Right Honourable Sir WILLIAM GRANT, Master of the Rolls.

Scotland.

THE Board proceed to take into Consideration the several Measures formerly recommended by the Select Committee of the House of Commons, appointed to enquire into the State of the Public Records of the Kingdom, so far as the same are at this Time unexecuted: and the said Measures appear to be as follow, under the several Heads of, 1. REGISTRATION. 2. BUILDINGS. 3. CATALOGUES. 4. TRANSFERS. 5. FEES and EMOLUMENTS. 6. PRINTING.

I.—REGISTRATION.

1. Duplicates of all Deeds which pass the Great Seal of Scotland should be made, and authenticated by the Lord Keeper's Deputy, with an Index thereto, and deposited annually in the General Repository, at the General Register House, Edinburgh.—Rep. Sel. Com. 17.

2. A Record of the Proceedings in the Circuit Court of Justiciary should be made, in the same Manner as the Books of Adjournal of the High Court of Justiciary at Edinburgh; and deposited in the General Repository, annually if possible, or within such other Period as the High Court of Justiciary may direct.—Rep. Sel. Com. 17.

3. A Record of all Decreets in the Sheriff's Court ought, according to the Regulations enjoined by the Court of Session, to be made regularly and completely. Of the Utility of executing this strictly, some Doubts have been entertained; but there is no Doubt of its being expedient to require, that an annual Report, signed by the Sheriff Clerk, and attested by the Sheriff, of the State of the Records in the Sheriff's Court, should be made to the Court of Session, and there recorded in the Books of Sederunt.—Rep. Sel. Com. 17.

4. The Record of Deeds in the Sheriff's Court should be entered in Books, given out and marked by the Lord Clerk Register, or his Deputies, as the Record of Hornings and Inhibitions now is; and no new Books should be given out until the old are returned, with the Deeds recorded in them.—Rep. Sel. Com. 17.

5. All Deeds regarding the Heritable Property within a Royal Burgh, should be recorded in the Town Court Books of the particular Burgh; and Deeds regarding Matters of personal Concern within the Burgh, should be recorded in the Town Court Books, or in the Sheriff Court Books.—Rep. Sel. Com. 17.

6. No Deeds whatever should be recorded in the Commissary Courts; and although this Practice has very generally obtained, it is irregular, and ought to be prevented in all Cases for the Time to come.—Rep. Sel. Com. 17.

Appendix, (V. 1.)

II.—BUILDINGS.

Measures considered.

1. An Apartment in the General Register House should be allowed to the Great Seal Office.—Rep. Sel. Com. 17.

2. The Building now occupied by the Court of Exchequer should be rendered more commodious and secure.—Rep. Sel. Com. 18.

3. About one-fourth of the Sheriff's Offices public Property, the rest private Houses; all should be lodged in public Buildings, secured from Damp and Fire; and it would be productive of great Accommodation to Individuals, if the Records of each County were collectively lodged in one Place.—Rep. Sel. Com. 18.

III.—CATALOGUES.

1. At the General Register House, Edinburgh, it will be proper to make a General Repertory of its whole Contents; it will also be expedient to make an Index to the Records of the Great Seal, and another Inventory or Repertory to the detached Charters and Proclamations.—Rep. Sel. Com. 18.

2. An Index should be made to the Book of Decrees and Orders of the King's Remembrancer in Exchequer, for the Purpose of supplying the Loss of One removed from thence in 1767.—Rep. Sel. Com. 18.

3. An Index is wanting to the Records of Justiciary.—Rep. Sel. Com. 18.

4. An Index is wanting to such Proceedings in the Court of Admiralty as are carried on to final Sentence.—Rep. Sel. Com. 18.

IV.—TRANSFERS.

1. By Act of Parliament of Scotland, 1685, Ordained, that all the Clerks within the Kingdom, deliver in their Registers to the General Register House every Ten Years. Proper now to be brought in every Five Years, except in special Cases.—Rep. Sel. Com. 18.

2. The Warrants thereof, together with Duplicates of all Deeds which pass the Great Seal, and the Index to these Duplicates, should be carried in annually.—Rep. Sel. Com. 18.

3. The Records of Teinds and Tailzies, with Inventories, should be carried in annually, if possible, or within such Period as the Court of Session may direct.—Rep. Sel. Com. 18.

V.—FEES AND EMOLUMENTS, and Extracts of Decreet, &c.

Respecting the Nature, Amount, and Inadequacy of the Fees and Emoluments assigned to the Officers employed in the Record Offices of Scotland, and particularly in the Courts of Justiciary and Admiralty, and in the Sheriff's Court, no decided Opinion on this Subject was offered by the Committee: because these and other Considerations, respecting the Mode of making Extracts of Decreets in the Court of Session, had engaged the Attention of those Persons whose Station, at the Head of the Courts of Justice, enables them to form the most correct Judgment; and who had in Contemplation to propose some remedial Measures in Parliament.—Rep. Sel. Com. 18.

VI.—PRINTING.

1. The Parliamentary Records in the General Register House commencing in the Thirteenth Century, and complete to the Time of the Union, appear to deserve Publication.—Rep. Sel. Com. 18.

2. The earliest of the Royal Charters it might also be expedient to print.—Rep. Sel. Com. 18.

Measures ordered.

ORDERED, That the several Measures above enumerated, concerning Registration, Buildings, Catalogues, Transfers and Printing, be referred to Thomas Thomson Esquire, Sub-Commissioner, employed under this Board for Matters regarding Scotland, to report the present State thereof, and what may be further necessary to be done for carrying the same into Execution.

ORDERED, That the Records in the Chapter House, Westminster, contained in the Chest marked "Scotia," be properly sorted and compared with Sir Joseph Ayliffe's printed Catalogue, correcting and completing the same, and noting any Deficiency of Records, as compared with the said Catalogue.

ORDERED,

ORDERED also, That Copies be made (under Mr. Thomson's Direction) of all such Records as were brought away from Scotland by King Edward the First; and that with respect to such others as relate to Scotland separately, or to Scotland and England conjointly, Mr. Thomson do submit to this Board a List of such as he recommends to be copied; all such Copies to be transmitted to and deposited in the General Register House, Edinburgh. Referred to the Secretary and Mr. Thomson, to consider of a better Mode of preserving them at the Chapter House.

Appendix, (V. 1.)

Measures ordered.

ORDERED, That Mr. Thomson do take such early Measures as he may think most practicable for obtaining and transcribing, in the most authentic Manner, all such Royal Charters as may be found to exist, either in Public or Private Repositories, and which are not, at present, to be found in the Register of Charters in the General Register House; and that Mr. Thomson do note on such Transcript, the Places from which they have been obtained, and any other material Circumstances respecting them; and that he also do report, from Time to Time, to this Board, his Progress therein.

ORDERED, That Mr. Thomson do cause to be prepared, a concise Abstract of all the Royal Charters of Scotland which exist, whether on the Public Record or otherwise, mentioning in such Abstract the Names and Descriptions of Parties, the Subject Matter, and the Date, both as to Time and Place, and annexing thereto alphabetical Indexes of Persons and Places.

Read the following Order of the Board, 19th December 1800: — "At a Board, &c. holden at the House of "the Right Honourable the Speaker of the House of Commons, on Friday the 13th Day of December 1800. "Resolved, That William Robertson Esquire, one of the Deputies of the Lord Clerk Register of Scotland, "Alexander Robertson Esquire, his Son, and James Ferrier Esquire, be appointed Sub-Commissioners for "superintending the Execution of the several Measures directed by this Board to be carried into Effect in Scotland; "and that His Majesty's Printer for Scotland do forthwith print the Parliamentary Records and ancient Royal "Charters of Scotland, under the Superintendance of the above-mentioned Sub-Commissioners, in a Form and "Type similar to the Parliament Rolls of England; each Volume to contain from 800 to 1000 Pages, according "to Circumstances, and 1000 Copies to be printed off." And the Board taking Notice that no Step had hitherto been taken towards the Printing of the Charters mentioned in the said Order:—ORDERED, That Mr. Thomson do report to this Board concerning such Royal Charters of Scotland as, in his Judgement, it will be expedient to have printed, together with the Reasons on which he forms his Opinion on that Subject.

Read from the General Record Report, p. 397, the following Extract from the Return by the Lord Clerk Register's Deputies: — "In the Year 1676, an Inventory of the Records then in the Custody of the Lord Clerk Register "appears to have been made, under the Authority of the Court of Session. That Inventory is inserted in the "Books of Sederunt of the Court of Session, and there is a Duplicate of it in the General Register House. Not "only have 124 Years elapsed since that Inventory was made, but it is found to be extremely defective; for, with- "out mentioning other material Omissions, not a single Book of the Exchequer is to be found in it; although of "that Branch, which consists of more than 500 Volumes, the latest bears Date 17 Years before the Inventory was "made. All the most important of our Records (those of the Great Seal only excepted), and by far the "greater Part of the less important, have particular Minute Books or Indexes. To form a General Reper- "tory of the Whole, would be a proper and important Measure; the preceding State will shew that such "a Work must be tedious and laborious, and of course expensive: With the Assistance of Two young "Men, whom the present Deputy Keepers are educating in this Department with unusual Care, they con- "jecture that such a Repertory might be accomplished in Eighteen or Twenty Months." ORDERED, That Mr. Thomson do report on the best Mode of executing such General Repertory, specifying what extra Assistance will be required for that Purpose.

AT a BOARD of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Tuesday the 16th Day of September 1806;

PRESENT,

The Right Hon. Lord Grenville, First Lord Commissioner of the Treasury;
The Right Hon. Earl Spencer, One of His Majesty's Principal Secretaries of State;
The Right Honourable Charles Abbot, Speaker of the House of Commons;
The Right Honourable Lord Frederick Campbell;
The Right Honourable Lord Glenbervie.

Read Mr. Thomson's Answers to the Reference of 7th May 1806, which are as follows:

REGISTRATION.

1. As to Deeds which pass the Great Seal.—"Nothing has yet been done for carrying this Measure into Execution. Of its Utility or Necessity I am not prepared to give a decided Opinion; but I should suppose, that though it might give

General Register House.

Appendix, (V.-1.)

Answers to Reference on Measures, respecting Justiciary.

give an additional Security to the Public, for the Preservation of the Writs which actually pass the Great Seal, yet it is in a great Degree superseded by the Records of these Writs framed in Chancery, and transmitted periodically to the General Repository in the Register House."

2. As to making Records of Proceedings in the Circuit Court of Justiciary.—" This Measure is undoubtedly one " of great Expediency, but no Steps have been yet taken by the Court of Justiciary for carrying it into Effect."

Sheriff's Court.

3. As to making a Record of Decreets in the Sheriff's Court.—" This Measure remains unexecuted, and I con- " ceive that this, together with the Whole of the present System of County Registration, ought to become the Subject " of very full and serious Investigation."

4. As to Registering the Record of Deeds in the Sheriff's Court.—" This is a Measure of high Expediency, and " ought to make Part of a more general Plan of Reform in County and Local Registries of all Descriptions. It of " course remains to be done, and may probably require legislative Authority for its Establishment."

Royal Burghs.

5. As to recording Deeds in Royal Burghs.—" This also remains to be done, and ought of course to become " Part of a more general Plan of Reform in the existing System of local Registries: The unnecessary Multiplication " of different Offices of local Record, is a great Evil in itself, and ought to be remedied."

Commissary Courts.

6. As to recording Deeds in the Commissary Court —" This Point requires further Consideration."

BUILDINGS.

Great Seal.

7. As to allowing an Apartment in the General Register House for the Great Seal Office.—" This Measure is " surely a proper one, and has been hitherto delayed, chiefly, I believe, in consequence of the principal Parts of the " Buildings being already so completely occupied."

Exchequer.

8. " Measures are now in progress for re-building the Exchequer Chambers; in the mean Time, the Records " have been removed to the temporary Offices fitted up for the Exchequer at the Royal Exchange."

Sheriffs.

9. As to Sheriff's Offices.—" I have not at present any sufficient Information to be able to state what Progress " (if any) has been made of late Years, in erecting Public Offices of Record in the different Counties. The Measure " would be attended with highly beneficial Consequences, and ought to make Part of that more general Investiga- " tion into the State of County and other Local Registries, which has been above alluded to."

CATALOGUES.

General Register House.

10. As to Repertories, Indexes, and Inventories for Contents of the General Register House.—" Further Consideration will be necessary."

Exchequer.

11. As to Index in the Decrees and Orders of the King's Remembrancer.—" This yet remains to be done, and would be of evident Use. If executed with Skill and Accuracy, an Index Rerum and an Index Nominum to these Records, would be of great Utility and Curiosity."

Justiciary.

12. As to the Justiciary Court.—" It would be desirable to have a full Report on the Nature and State of the " Criminal Records, in the View of ascertaining what Parts of them, or what Abstracts and Indexes ought to be " published."

Admiralty.

13. As to Indexing the Proceedings in the Admiralty.—" This yet remains to be done; of its real Utility more " exact Inquiry shall be made."

TRANSFERS.

General Register House.

14. As to the accelerated Transmission of local Registers to the General Register House.—" The Advantages " of this Measure would probably be very great, by operating as a more frequent and efficacious Check upon the " Framers of those Records, more especially of those in the County Registries; but the Execution of it would " require the Authority of an Act of Parliament."

Great Seal.

15. As to carrying in annually the Great Seal Warrants, Duplicates of Deeds and Indexes to the Duplicates.— " In so far as respects the Transfer of the Warrants to the General Repository, this is a Measure of obvious " Utility, and an Order for this Purpose ought to be made by the Court of Session in the Name of the Lord " Clerk Register."

Teinds and Tailzies.

16. As to carrying in annually the Records of Teinds and Tailzies.—" This Measure is highly expedient, and " an Order for that Purpose ought to be made by the Court of Session, on an Application in the Name of the Lord " Clerk Register."

ORDERED, That Mr. Thomson do make a detailed Report upon the several Matters above mentioned, with fuller Information thereupon, and suggest the most effectual Measures for remedying the existing Defects.

(V. 2.)

AT a BOARD of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Tuesday the 21st Day of July 1807.

PRESENT,

The Right Honourable Charles Abbot, Speaker of the House of Commons.
The Right Honourable Lord Frederick Campbell.
The Right Honourable John Lord Redesdale.
The Right Honourable Sylvester Lord Glenbervie.
The Right Honourable Sir William Grant, Master of the Rolls.
The Right Honourable Archibald Colquhoun, Lord Advocate of Scotland.
The Right Honourable Nathaniel Bond.

Detailed Report from the Deputy Clerk Register in Scotland concerning certain Measures relative to the Public Records of Scotland, formerly recommended by the Select Committee of the House of Commons, appointed to enquire into the State of the Public Records, &c.

Addressed to His Majesty's Commissioners on the Public Records of the Kingdom, &c.

Edinburgh, April 2, 1807.

IN pursuance of the Orders of His Majesty's Commissioners on the Public Records of the Kingdom, dated May 7, and September 16, 1806, I have the Honour of submitting to their Consideration the following Report, on certain Measures relative to the Records of Scotland, formerly recommended by the Select Committee of the House of Commons, appointed to enquire into the State of the Publick Records of the Kingdom. In the Enumeration and Arrangement of the several Articles, I have followed the Abstract of the Report of the Select Committee, contained in the Proceedings of the Commissioners for 1806.

Head First.—Registration.

Article First.—GREAT SEAL.

"That Duplicates of all Deeds which pass the Great Seal of Scotland should be made and authenticated by the "Lord Keeper's Deputy, with an Index thereto, and deposited annually in the General Repository at the General "Register House, Edinburgh."—Rep. Sel. Com. 17.

To enable His Majesty's Commissioners to decide on the Expediency of the Measure here suggested, it may be proper to state, that every Royal Charter or other Writ which passes the Great Seal of Scotland, is previously framed and engrossed in the Office of the Director of Chancery, and is afterwards carried by the Grantee or his Agent to the Office of the Keeper of the Great Seal, with the Warrant on which it has been framed, by whose Deputy the Seal is affixed, and the Warrant retained. Of all Writs of this Description, a Public Record has been kept from a very early Period, which is sometimes denominated the Record of Charters, but more correctly the Register of the Great Seal. This Record is framed by the Director of Chancery, or his Deputies; and, in Terms of an Act of the Parliament of Scotland (1685, c. 33.) enforced by a Decision of the Court of Session (December 1775), the successive Volumes of the Record are periodically transmitted to the General Repository, under the immediate Care of the Lord Clerk Register and his Deputy Keepers.

The Register of the Great Seal, which is undoubtedly one of the most important of our Public Records, was obviously designed to contain a full, authentic, and authoritative Transcript of every Writ which had received the ultimate Stamp of Royal Authority by passing that Seal. But from the Subdivision of the Offices and Functions of the Director of Chancery, and the Keeper of the Great Seal, already alluded to, certain Defects in the Formation of this Register have long existed, and have even, in some Respects, been aggravated by those legislative Measures which were intended for the Prevention of those Defects. From an Act of the Parliament of Scotland in 1621 (c. 24. "Anent Evidents past the Great Seal, which are not registrated,") it appears to have been the usual Practice not to record such Writs, until they had been completed by appending the Seal, and that, "through the "Oversight and Negligence of the Receivers thereof, in the not returning of the same to the Director of his "Highness Chancellary and his Deputies, such Writs had been omitted to be registrated in their Books and "Registers appointed for that Effect." To remedy this Evil, it was enacted, that the Party, on receiving the unsealed Writ from the Director of Chancery, should not be obliged to pay more than One-half of the established Fee; and that after the Writ had been sealed, it should be re-delivered by the Keeper of the Great Seal, not to the Party, but to the Director of Chancery, to be recorded, and by him given to the Party, on Payment of that Moiety of the Fee which had been retained.

This

Appendix, (V. 2.) Detailed Report of Deputy Clerk Register.

This Regulation appears to have failed of its intended Effect. By a subsequent Act of Parliament in 1672, (c. 7. "concerning Writs passing the Great and Privy Seals,") "The King's Majesty, considering how much "his own Service and the Interest of his Subjects is prejudged by the Neglect of registrating these Charters, In- "feftments, Gifts, Commissions, and other Writs, which do pass and are written to the Great and Privy Seals; "doth, for remeeding and preventing of this Evil for the Time to come, with Advice of his Estates of Par- "liament, statute and ordain that all Charters," &c. "which shall hereafter pass under the Great and Privy Seals, "shall be registrate in the Register of the Great and Privy Seals respective, before the Seals be appended to "them; and the Writers to those Seals, who keep the Registers thereof, are hereby ordained to registrate every "Writ passing their Office, and by their Subscription to make the same on the Back thereof, to be written and "registrate by them, before they give them out to be sealed;"——"and the Keepers of those Seals are hereby "discharged to append the Seals to any Writs which are not marked and attested to be registrate, as they will be "answerable."

In consequence of this new Regulation, by which the Act of Registration took Precedence of that of Sealing, it necessarily happened, that, in the first Instance, the Record was incomplete as to the important Particulars of the Fact and Date of the Sealing; a Defect which could only be remedied by having the sealed Writ carried back to Chancery, for the Purpose of completing its Registration. This, however, was a Precaution very likely to be neglected; and hence, for more than a Century past, the Register of the Great Seal has, in the far greater Number of Instances, been deprived of its complete Authority. For this obvious Evil no legal Remedy has yet been provided; and its Existence appears to have led to the Suggestion contained in the Return by the Deputy Keeper of the Great Seal to the Inquiries of the Select Committee, and adopted into their Report, of framing a new Register in the Office of the Great Seal, in which the Writs, in their complete State, should be again recorded.

As the unnecessary Multiplication of Registries is in itself a positive Evil, it may, in the present Instance, be very easily avoided; and, in Truth, the Defect which has now been described, has lately led to the Adoption of a partial Remedy, to which it would not be difficult to give complete and certain Efficacy.

It appears from the Minutes of the Society of Writers to the Signet, by whom this Branch of Business is exclu- sively conducted, that at a Meeting held on the 4th of February 1780, the Keeper (who is the President of the Corporation) stated, "That, at present, the Record of Charters is imperfect, in respect that no Extract from "thence bore any Evidence of the Charter being completed, by having the Great Seal affixed to it. That this was "owing to the Circumstance of the Act of Parliament 1672, ordaining Charters to be recorded in Chancery be- "fore they were sealed, whereas before that Time they were not recorded till after sealing. That this Defect "might be remedied, if, after the Charter was sealed, it was carried back to Chancery, and that the Clerks there "should record the Sealing of it with the Date, and which would be of considerable Advantage both to Practi- "tioners and to the Lieges. The Meeting unanimously agreed with the Keeper in Opinion, and ordered and "enacted, That every Writer from henceforth, at taking out a Charter from Chancery, shall consign Five Shillings "Sterling, and after the Charter has passed the Great Seal, shall carry the same back to Chancery, that the "Clerks may insert the Sealing of the Charter into their Record, at which Time the Writer shall be entitled to "receive up the Five Shillings formerly consigned, and that without paying any additional Fee at Chancery."

This Regulation, to the Observance of which no legal Sanction was attached, appears to have been, from the first, almost totally neglected by the Writers to the Signet; and the Clerks in Chancery did not find themselves authorised by it to demand the small Deposit, by means of which its due Observance was to be enforced. Very recently, indeed, the Practice of carrying back the sealed Writs to the Chancery Office, to have the Record completed, has become somewhat more frequent. Still, however, it remains to provide an adequate Sanction to secure and enforce the Observance of this Practice, and for this Purpose the Authority of the Court of Session might be conveniently resorted to. Various Measures might easily be suggested; but, upon the Supposition that all other Parts of the System were to remain as at present, perhaps the simplest and most effectual Expedient would be, to authorise and require the Director of Chancery, and his Deputies and Clerks, on giving out any Writ to the Great Seal, to demand a Deposit of not less than One Guinea, to be returned when the sealed Writ was brought back, for the Purpose of recording the Fact and Date of the Sealing. On an Application to the Court of Session by Petition in the Name of the Lord Clerk Register, an Order to this Effect would probably be granted.

Although these Observations may perhaps be sufficient to exhaust the Subject immediately under Consideration, it may not be foreign to the Purpose of this Report, here to submit some further Observations on the Expediency of diminishing rather than increasing the Number of Records of those Writs which ultimately pass the Great Seal. At present I shall confine my Remarks to one Class of Writs, which is indeed by far the most numerous; namely, Charters of Lands holden immediately of the Crown. To understand all the Bearings of this Subject would perhaps require an extensive Examination of the Principles and Practice of the Municipal Law of Scotland, relative to the Constitution and Transmission of Feudal Rights; but as I here aim at nothing more than to suggest, and lay the Foundation of further Inquiry, a very general Statement may suffice.

In

In its Progress towards Completion, a Royal Charter passes successively through Four distinct Stages. First, it originates in an English Signature, revised and sanctioned by the Barons of Exchequer, containing a Command in the Name of the Sovereign to make and pass under the Great Seal a Charter of a given Tenour: Secondly, on this English Signature is framed a Precept under the Signet, containing a Transcript in the Latin Language of the future Charter, and addressed to the Keeper of the Privy Seal: Thirdly, on this Precept is framed another, which must pass under the Privy Seal, commanding a Charter of the same Tenour to be framed in Chancery, and sealed with the Great Seal: And, lastly, the Charter itself is framed in Chancery in Terms and under the Authority of the Precept from the Privy Seal: and under the same Authority, it is afterwards completed by affixing to it the Great Seal.

The last of these Writs only is delivered to the Pivate Party; the other Three remain in the Public Offices of the Signet, the Privy Seal, and the Great Seal, as the Warrants of the respective Steps which immediately follow. The Signature having the Sign Manual of the King, or rather a Fac Simile of it, impressed with a Stamp, is retained in the Office of the Signet; the Precept under the Signet is retained in the Office of the Privy Seal; and the Precept under the Privy Seal is retained by the Keeper of the Great Seal. The First and Second of these are preserved respectively in the Signet Office, and the Office of the Privy Seal: but it does not appear to have been the Practice of the Keepers of the Great Seal, or their Deputies, to transfer to their Successors in Office the Precepts under the Privy Seal, although these are the immediate Warrants of the Royal Charters.

Besides these original Warrants, there are at present Three Public Registers, in which, at its successive Stages, the Charter is recorded: In the Office of the King's Remembrancer in Exchequer, the English Signature is recorded; in the Office of the Writer to the Privy Seal, the Precept under the Signet is recorded; and in the Office of the Director of Chancery, the Charter itself is recorded.

This System has been devised and admired for its supposed Efficacy in preventing the Hazards of Imposition and Forgery, and in securing the Preservation of the Tenour of Royal Grants in some one at least of these numerous Transcripts. But its operose, complicated, and superfluous Precautions, have tended to defeat another Object, no less important; for by these successive Transcriptions, to say nothing of the Hurry and consequent Negligence with which some of them are usually executed, the Hazards of Inaccuracy have been multiplied in a very high Proportion. This Evil is unavoidable, while there exists so many intermediate Steps between the original Signature, revised and sanctioned in Exchequer, and the Charter itself, framed in Chancery. Without therefore injuring the other great Objects of the System, it has occurred to me, as a desirable Change, that the Signature, which is the authoritative Groundwork of the Whole, should be framed not in English, but in the Language of the future Charter; that instead of undergoing the intermediate Transformations of a Signet Precept, and Privy Seal Precept, the original Signature itself should pass through the Offices of the Signet and Privy Seal pro forma, and should arrive at last in Chancery, to serve as the immediate Warrant of the Charter; that it should be carried with the Charter to the Office of the Great Seal; from which both the Signature and Charter should be forced to return into Chancery, by means of the Deposit or Consignation formerly proposed as an Expedient for securing the Registration of the Sealing; and that the Signature should be retained by the Clerks in Chancery as the Warrant of the Register of the Great Seal, until both should finally be transmitted to the General Repository.

From this Arrangement several obvious Advantages would arise. 1. By framing the original Signature in the Latin Language, the Barons of Exchequer would have before them for their Examination the precise Words of the future Charter, instead of a rude Translation into English, of what must immediately after receiving their Sanction be again turned into Latin with additional Blunders. 2. In the Process of passing a Charter, Expedition is often of great Importance; and in this Way the Delays now attending the Preparation of Two intermediate Precepts, at the Signet and Privy Seal, would be avoided. 3. The Register of Precepts for Charters and other Writs which pass the Great Seal, kept at the Privy Seal, in which, I believe, there is no real Utility, might with Propriety be discontinued. 4. In framing the Charter and the Record of the Great Seal, the Clerks in Chancery would have before them, as their Warrant, a Writing, on which the greatest Pains are always bestowed, and which cannot fail to be vastly more accurate than the Transcript made in the Office of the Privy Seal. 5. The original Signature, which is the authoritative Groundwork of the Charter, would thus be brought at last into the same Repository with the Record of the Charter, instead of remaining at the Signet Office; and in this Way the Means of Collation would be greatly facilitated. This last, of itself, I should consider as an important Object to be accomplished, independently of any other Change in the present System.

I am unwilling to extend my Observations to greater Length, on a Subject which, I am aware, is not strictly within the Limits of that on which I have been directed to report. I shall not therefore stop to examine the Objections to this Plan which might be anticipated, but on the Weight of which, an Opportunity of submitting my Remarks may perhaps be afforded me, if the Matter should be deemed worthy of further Inquiry and Consideration.

Appendix, (V. 2.)

Detailed Report of Deputy Clerk Register.

ARTICLE SECOND.—JUSTICIARY.

"A Record of the Proceedings in the Circuit Court of Justiciary should be made in the same Manner as the "Books of Adjournal of the High Court of Justiciary at Edinburgh, and deposited in the General Repository, "annually if possible, or within such other Period as the High Court of Justiciary may direct."—Rep. Sel. Com. 17.

In reporting on the Expediency of the Measure here suggested, it may be proper to begin by stating, that the Proceedings of the Lords Commissioners of Justiciary, both in the High Court of Justiciary at Edinburgh, and on the Circuits, are entered by their Clerks during the Sittings of the Court in Minute Books, which are regularly authenticated by the Signatures of the Judges; but in those Minute Books only general References are made to the Indictments, or Criminal Letters, and to the written Pleadings of the Parties. In the Books of Adjournal the Contents of the Minute Books are afterwards transcribed and extended; and every Writing presented to the Court, to which a Reference had been made, or for which a Blank had been left, is fully engrossed. These Books of Adjournal are not authenticated even by the Signature of the Clerk; but they are preserved in the Justiciary Office, with the Minute Books and detached Writings, which are the Warrants of their Accuracy. No similar Transcript has hitherto been made of the original Proceedings on the Circuits; and only the Minute Books, and detached Writings referred to in those Books, are preserved in the Justiciary Office.

The Expediency of supplying this Defect is abundantly obvious. It was suggested to the Select Committee on the Public Records, in the Return to their Orders made by the late Deputy Clerk, under the immediate Direction of the late Lord Justice Clerk, and the other Lords of Justiciary. Here, however, the Matter has been allowed to rest; but as the Measure must be carried into Effect under the Sanction and Controul of the Court, and might indeed be executed by their sole Authority, I have thought it proper, under the Reference made to me by His Majesty's Commissioners, to address a Letter on the Subject to the present Lord Justice Clerk, requesting his Opinion of the Expediency of the Measure, of the proper Mode of effecting it, and whether or not it was now in the Contemplation of the Court to adopt any Steps regarding it. In the Answer which I have had the Honour to receive, his Lordship states, that he "had taken an Opportunity of conversing with his Brethren of the Court of "Justiciary on the Subject, and that they were all of Opinion that the Measure in question would be of Public "Utility." His Lordship adds, that "the making up of a Record of the Proceedings of the Circuit Courts, in "the same Manner as the Books of Adjournal, may be done under the Inspection of the Clerks of Justiciary, who "are as competent to the one as to the other, provided they are allowed additional Assistance in the Way of "copying Clerks."

The Expence of framing the Books of Adjournal is at present defrayed by the Principal and Deputy Clerks of Justiciary, who pay their Substitute or his Assistants for their Trouble in this Respect, at a certain Rate for each Page. The Formation of a similar Record of the Proceedings on the Circuits would double, at the least, the present annual Expence; but in what Manner that Expence ought to be defrayed, I do not presume to offer any Opinion. The Burden could not in fact be very weighty, and would hardly exceed Fifteen or Twenty Pounds a Year. If indeed the Measure were to have a Retrospect, the Labour of framing such a Record would be very considerable, and might require some extraordinary Aid in the Execution of it; but if this should not be deemed necessary, I would beg Leave to recommend that the Minute Books and relative Indictments remaining in the Justiciary Office should be immediately bound in regular Volumes, with Indexes or Tables of their Contents, by which the Purposes of Preservation, as well as Consultation, would be materially aided.

On the Subject of the Justiciary Records, I would also beg Leave to suggest that some further Regulation ought to be devised for ensuring their Accuracy. The Lords of Justiciary, and the Law Officers of the Crown, have indeed been in the Practice of occasionally visiting and inspecting the Books of Adjournal; but unless very frequently and regularly applied, a Check of this Sort can have no very powerful Operation. It would be therefore highly expedient that a small Committee of the Court should be appointed, Once or Twice in every Year, to examine and attest the State of the Records; and it might be no less useful in its Effects, also to give Authority and Instructions to the Deputy Clerk Register for the Time, to examine still more frequently the State of these Records, and to enter the Result of his Examinations in the Annual Reports of his official Proceedings.

ARTICLE THIRD.—RECORD OF DECREETS IN THE SHERIFF'S COURT.

"A Record of all Decreets in the Sheriff's Court ought, according to the Regulations enjoined by the Court of "Session, to be made regularly and completely. Of the Utility of executing this strictly, some Doubts have been "entertained; but there is no Doubt of its being expedient to require, that an Annual Report, signed by the Sheriff "Clerk, and attested by the Sheriff, of the State of the Records in the Sheriff's Court, should be made to the "Court of Session, and there recorded in the Books of Sederunt."—Rep. Sel. Com. 17.

By

By a Clause in the Act of Parliament (20 Geo. II. c. 43.) for abolishing Heritable Jurisdictions in Scotland, &c. the Lords of Session were "directed and required to take into their Consideration what Fees they should judge "reasonable to be paid to the Clerks and other Officers officiating within the Circuit Courts, and in the Courts of "Sheriffs and Stewarts in Civil Cases, and to regulate the same by Act of Sederunt." On the 16th of March 1748, an Act of Sederunt was accordingly passed, by which, among other Particulars, the Fees of extracting the Decreets of Sheriffs and Stewarts were ascertained; and in Consideration of the Amount of these Fees, the Lords of Session ordained "the said several Clerks duly and faithfully to record all the Decreets extracted by them, "under the highest Penalties inflicted by the Law on such neglect of Duty."

In Explanation of the Duty thus imposed on the Clerks of Sheriff Courts, it may be proper to observe, that according to long established Usage in Scotland, the recorded Judgment of the Court, or the "Decreet," as it is technically called, must comprehend not only the Judgment itself, but also a Transcript of all the Pleadings, Evidence, and Procedure in the Cause, arranged and digested in a particular Form; and that according to the strict Forms of Office, the "Decreet" ought, in the first Instance, to be entered on the Record Books of the Court, and from these Books and Exemplification or "Extract" ought to be made for the Use of the successful Party. These Decreets, however, being often voluminous, the Labour and Expence of entering them on the Record Books of the Court, appear in all the Counties of Scotland to have led to a Neglect of the Duty so expressly enjoined by the Act of Sederunt; and nothing more is now commonly done, than to make a single Copy of the "Decreet" for the Use of the private Party, to which the Name of an "Extract" is given; although there be preserved in the Archives of the Court no original of that Exemplification, but only the detached Pleadings which are the Materials for framing such "Decreet," and the Warrants of its Authenticity.

This is not the only Instance in which the Sheriff Clerks in Scotland, as Record Officers, have exposed themselves to the Hazard of Animadversion; against which they could have no other Defence or Apology to offer, but that the Fees and Perquisites of Office have gradually become inadequate to the Expence attending the Formation of the Records committed to their Care. At the same Time, I am humbly of Opinion, that it would not be expedient to enforce the former Regulation until the present Mode of framing Decreets shall have undergone considerable Alteration. The Expence and Inutility of these cumbrous Compilations are Evils which have long called for Redress; and in the Bill now pending in Parliament "for the better regulating the Courts of Justice in Scot"land, and the Administration of Justice therein," &c. the following important and most useful Provision has been introduced: "And be it enacted, that Extracts of Decreets or other Proceedings, according to the Forms now in "use in Scotland, shall be discontinued in every Court of Scotland, superior and inferior; and that it shall, in all "Cases, be sufficient that the Decreet be an Exemplification, signed by the Clerk of Court, containing the Summons, "Petition, or other Writ, by which the Cause is brought into Court, Defences or Answers, together with Interlocu"tors and Verdicts, and grand Decerniture in the Cause, and a Schedule or Inventory of the Proceedings and "Productions in the same." If this Provision of the Bill should be passed into a Law, or if any similar Alteration in the Mode of framing Decreets should be made, there could no longer be any Hesitation as to the Propriety of rigidly enforcing the Observance of the Standing Regulations for recording Decreets; and in the View of more speedily and certainly detecting any Irregularity or Omission on the Part of the Sheriff Clerks, it would undoubtedly be expedient to adopt the Suggestion in the Report of the Select Committee, and to "require that an Annual "Report, signed by the Sheriff Clerk, and attested by the Sheriff, of the State of the Records in the Sheriff's "Court, should be made to the Court of Session, and there recorded in the Books of Sederunt." Of this Proposal, however, I would beg Leave to suggest some Modification, from which I apprehend this Measure of Vigilance and Controul would derive much Vigour and Efficacy.

By an Act of the Parliament of Scotland [1672, c. 16.] "concerning the Regulation of the Judicatories," several anxious Provisions were made for ensuring the Accuracy of the County Registers of Hornings, Interdictions, Inhibitions, Seisins, Reversions, and others; and in particular it was enacted, "That in the several Shires, the "Sheriff, Bailiff of the Regality or Royalty, or their Deputies, (with whom any Two of the Justices of the Peace, "to be nominate by the whole Meeting, are allowed to be present), be appointed quarterly, viz. upon the First "Tuesday of February, May, August, and November, to call for and take Inspection of the said Registers, and of "the Minute Books relating thereto; and after collationing of the same, that they, with the said Two Justices of the "Peace, if they be present, subscribe the Minute Books; certifying the saids Sheriffs and Bailiffs, if they do not "meet and compare the saids Registers at the several Times above specified, they shall be liable in the Penalty of "One hundred Pounds Scots for ilk failzie; and certifying the Clerks, if they shall not have the Books in Readiness "at the aforesaids Times, or if any Hornings, Inhibitions, Seasins, Reversions, and others foresaids then in their "Hands, shall not be registrate in the Books, they shall incur the Pain of Deprivation, and be liable in Payment of "the Parties Damage," &c.—"and the Care of seeing the Premises done and performed"—"is committed to the "Lords of Session."

Appendix, (V. 2.)

Detailed Report of Deputy Clerk Register.

It would appear, that in the Execution of the very important Duty thus imposed on them, the Sheriffs were never very diligent, and that the Means of Controul given to the Lords of Session were found insufficient to ensure the faithful and punctual Performance "of the Premises." I have discovered only one Instance of their Interference, which seems at once to shew, how soon a more regular and steady System of Controul had become necessary, and how inadequate to such an Object must have been the occasional and infrequent Interpositions of the Court of Session. On the 4th of January 1677, an Act of Sederunt was passed, proceeding on the Provisions of the Statute 1672, and stating, that "the saids Lords, to whom the Care of seeing the Premises done is committed by the said "Act, having by Missive Letters of the 31st of July last, direct to the several Sheriffs of this Kingdom, required "them by themselves or their Deputs, to go about the Performance of what is enjoined to them by the foresaid "Act, and to return a satisfactory Account of their Diligence, the 1st Day of November thereafter now by past; "certifying them if they failzied, they would be charged with Letters of Horning for the Penalties contained in the "said Act; and seeing the Sheriffs of the Shires after mentioned, and their Deputs, viz. of Argyle, Renfrew, "Wigtoun, Bute, Peebles, Selkirk, Perth, Kincardine, Aberdeen, Nairn, Sutherland, Caithness, Berwick, "Forfar, and Inverness, the Stewart of Kirkcudbright, and the Stewart of Orkney, have not returned Re-"ports to the said Lords of their Diligence in the Premises; therefore the Lords of Council and Session do "ordain Letters of Horning to be direct against the said Sheriffs and Stewarts, and their Deputs, charging them "to meet and compare the Registers of Hornings, Inhibitions, Seasines, and Reversions in their respective Shyres, "with the Minut Books relating thereto; and after collationing of the same, to subscrive the Minut Books, con-"form to the said Act of Parliament, and to make Report of their Diligence therein to the said Lords, betwixt and "the 20th Day of February next; and likewise charging them to make Payment to Sir William Sharp, His Majesty's "Cash Keeper, of the Penalties already incurred by them, viz. One hundred Pounds Scots for ilk gone Failzie, "in not meeting and comparing the saids Registers at the Times exprest in the said Act of Parliament, and that "within the Space of Fyfteen Days after the Charge, as to such of the saids Sheriffs, and their Deputs, who reside "upon this Side of the River Spey, and upon Twenty-one Days, as to those who reside be-north Spey."

These Measures, apparently so vigorous, do not seem to have produced any permanent Effect in stimulating the Diligence of the Sheriffs; and their Inefficacy is the more to be regretted, as, by a suitable Attention to the Duty so anxiously imposed upon them, would probably have prevented that State of Degradation into which the greater Part of the County Registries have ultimately fallen.

That a periodical Visitation of the Records kept by the Sheriff Clerks ought to be revived, and imposed upon Sheriff Deputes and their Substitutes, as a necessary Part of their Duty, does not appear to me to admit of a Doubt; and in order to ensure a more punctual and faithful Observance of it than heretofore, I would beg Leave to suggest a very simple, and perhaps a very effectual Expedient. It may be proper to mention, that the Sheriffs are at present bound to attend the two annual Circuits of the Justiciary Court, held within the District to which their respective Counties belong; and at the Close of the Justice Air in each District, a regular Form is observed for subjecting their official Conduct to solemn Investigation. This Proceeding usually resolves into a short complimentary or admonitory Address, by the presiding Judge; but I should propose to take Advantage of the Form, and to establish, as a positive Rule, that at one or both of these annual Circuits, the Sheriffs should be called upon by the Judge to state verbally, or in Writing, whether or not they had examined the Records of their respective Courts during the preceding Year, or Term, and what had been the Result of those Examinations; and that of this Proceeding there should be a regular Entry in the Minutes of the Court.

On the Principle of combining the numerous Registries in Scotland under one System of Controul, I would further beg Leave to propose, independently of the preceding Regulation, that the Sheriff Clerk in each County should be required, on or before a certain Day in every Year, to transmit to the Deputy Clerk Register for the Time being, a Report, according to a prescribed Form, of the State of the Record of Decreets (and of all the other Records in his Office) for the preceding Year; the Result of these Returns to be given by the Deputy Clerk Register, in his annual Report to the Court of Session.

From the Combination of these various Checks, modified with proper Pains and Circumspection, and connected, as they ought to be, with corresponding Regulations for all the other local Registries, I am persuaded that the most important Benefits would arise. Under this Conviction, I have ventured to throw out these Hints, not as a ripened System, but as the imperfect Outline of an extensive Plan, to the Completion of which a further and more detailed Investigation into the actual State of the Records of Scotland will probably be found requisite.

Article Fourth.—RECORD OF DEEDS IN THE SHERIFF'S COURT.

"The Record of Deeds in the Sheriff's Court should be entered in Books given out and marked by the Lord "Clerk Register or his Deputies, as the Record of Hornings and Inhibitions now is; and no new Books should "be given out, until the old are returned with the Deeds recorded in them."—Rep. Sel. Com. 17.

The

The Registry of Deeds in the Sheriff's Court, like the other Registries of the same Description in the several Courts of Justice, Supreme and Subordinate, consists of Two distinct Branches.

The first and most important of these is the Record of personal Deeds containing Clauses of Registration in virtue of which they are recorded, and which by this Operation assume the Shape and Force of Judicial Decrees, on which legal Execution or "Diligence" may proceed. This Branch of the Public Records derives its Origin and Establishment from certain Principles and Rules of the Municipal Law of Scotland relative to legal Execution, and has been gradually moulded by Usage, without much Aid from artificial Regulation.

The other Branch is the Record of Probative Writs, or of original Writings of every Description, which may be registered merely for Preservation, in virtue of an Act of Parliament in the Reign of William and Mary, 1698, c. 4.

When a Deed of the former Description is presented to the Sheriff Clerk, it is his Duty immediately to record it, at full Length, in Books kept for that Purpose; to deposit the Original in the Archives of the Sheriff's Court; and to give the private Party by whom it was presented an Office Copy or "Extract," bearing to have been taken, not from the Original, but from the "Record," and containing a Warrant for Execution. On the other Hand, when a probative Writing is presented for Registration, it is immediately recorded in another set of Books kept for that Purpose; but the Original is afterwards restored to the Party, together with an Office Copy or Extract from the Books. For these several Operations, a certain Fee is paid by the Party, according to a Table of Rates fixed by the Court of Seffion in 1748, of the present Inadequacy of which, very general Complaints have been made. It appears, however, from the Returns to the Select Committee, that in most of the Counties in Scotland, the Sheriff Clerks and their Assistants have, of late Years, been unwarrantably endeavouring to relieve themselves from the alleged Difficulties of their Situation, by a total Neglect of one important Branch of their Duty. In the Registry of probative Writings, the Practice of restoring the Originals has made it indispensable immediately to record such Deeds; but in the Registry of Personal Deeds, for the Purpose of Execution, the Practice of retaining the Originals has first led to a more dilatory and slovenly Mode of entering them on the Record; and at last, in most of the Counties in Scotland, the Formation of a Record has been entirely discontinued, while at the same Time the Sheriff Clerks continue to give "Extracts" of Deeds containing all the Supplementary Clauses for warranting Execution, and falsely bearing to have been taken from the "Records" of the Sheriff Court.

Such are at least a Part of those Irregularities in the present Mode of conducting the County Registries of Deeds, which it appears to have been in the View of the Select Committee to remedy, by subjecting them to the same Regulations of marking, and Transmission to the General Register House, which have been found of so much Utility in some other Branches of the Public Records. I must, however, observe, that the County Records of Deeds never have been transmissible to the General Register House, but have always remained in the Offices where they were framed; nor shall I at present venture to say that they might be removed with Propriety, or without Inconvenience to Individuals; for on this Head I am aware that there prevails a considerable Diversity of Opinion. But, at all Events, it would be highly proper, indeed I may say it is indispensably necessary, that the Expedient of marking the Books of Record, practised with such useful Effect in most of those now transmissible to the General Register House, should be extended, without Exception, to all other Records whatever, and in particular to all those that are hereafter to be framed in the several local Registries throughout Scotland.

In the View of regulating the County Records, I have ventured, under the preceding Article, to suggest certain Measures of Vigilance and Controul, in which the Sheriffs of Counties would be called upon to take an active and useful Part. In Addition to what has been there proposed, I would now beg Leave to suggest, that the Books of Record, not by Law transmissible to the General Register House, should be previously "marked" by the Sheriff or his Substitute, in the same Manner as those now prepared in the Office of the Lord Clerk Register. In this Manner all the present Hazards of Interpolation and Cancellation would be avoided, while at the same Time it would directly tend to aid that Controul, of which the Sheriffs would be the chief intermediate Agents.

ARTICLE FIFTH.—RECORDS OF THE SHERIFF AND BURGH COURTS.

"All Deeds regarding the Heritable Property within a Royal Burgh should be recorded in the Town Court "Books of the particular Burgh, and Deeds regarding Matters of Personal Concern within the Burgh should be "recorded in the Town Court Books, or in the Sheriff Court Books."—Rep. Sel. Com. 17.

The Subject of this Article, as well as that of the Two preceding ones, and the Utility of the Measure here recommended, are intimately connected with the present State of all the local Registries in Scotland, whether in Counties or in Boroughs. On this Point much valuable Information has been communicated in the Returns made to the Select Committee, and printed in the Appendix to their Report. It is, however, to be regretted that many of

Appendix, (V. 2.)
Detailed Report of Deputy Clerk Register.

of these Returns are either imperfect or studiously evasive; and that as to a very numerous Class of Registries, those in Royal Boroughs (of which there are in Scotland no less than Sixty-five), no Returns whatever have been obtained. That the far greater Part of these local Registries have fallen into a degraded and neglected State, is a Fact of which I fear there can be little Doubt; but without more complete Information than I am yet in Possession of, it would be impossible to give an adequate Notion of the Extent of the Evil. I should therefore consider it as a Measure of evident Expediency, that the Record Officers in Counties and Royal Boroughs should be again called upon to make a full and detailed Return, in a prescribed Form, of the State of the Records in their respective Offices; and, in particular, it would be desirable that exact Inventories of those Records should be given, in order that their Deficiencies might be clearly discovered. I should further think it expedient that a Person of Skill in such Matters should be employed under the Authority of the Commissioners, to examine the State of the Records in at least a few of these Registries, from whose Report a more correct Idea might be obtained of the Evils which exist, than can well be hoped for from the Returns of the Officers themselves.

In stating thus broadly my Impressions on this Subject, it is proper, at the same Time, to mention what I conceive to have been the main Cause of the Evils now alluded to; by which is furnished perhaps the best Apology that can be offered for the Conduct of the Officers to whose Care those Records have been committed. That Cause I firmly believe to have been the unnecessary and even pernicious Multiplication of Local Registries; which by subdividing the Emoluments which arise from Registration, and by thus frittering down the Remuneration of the several Officers, has withdrawn from them the Attention of Persons duly qualified for the Execution of such a Trust, and has brought them into a State of Neglect and Insignificance, from which it will require some very vigorous Measure again to raise them. I am persuaded, that in providing an effectual Remedy, it will be found necessary to begin with a very considerable Reduction of the Number of Registries, by which the Respectability and Importance of those which remained could not fail to be advanced, while, at the same Time, the Means of Controul would be greatly simplified and improved. Independently even of these Considerations, I should indeed be of Opinion, that in the View of facilitating the Consultation of the Public Registers, and of giving to them all that practical Usefulness of which they are susceptible, their Number ought to be diminished; for, while there is an equal Chance of finding the Record of a particular Deed in any one of Five or Six different Registries, a Degree of Uncertainty and Expence must attend such Investigations, which will always impede, and may sometimes even defeat the Object that is in View. For these Reasons, on which I forbear at present to enlarge, I am humbly of Opinion that there ought to be no more than One Registry for Deeds in each County, and that the Borough Registries ought to be abolished, excepting for the single Purpose of recording the Title Deeds of "Burgage Tenements," that is, of Heritable Property, situated within the Liberties of the Borough. The Compensations to which the present Keepers of these superfluous Registries might be entitled, would be found too inconsiderable in their total Amount to furnish any solid Objection to the Reform here suggested. It is, however, a Measure which could not be accomplished without the Aid of an Act of Parliament.

Article Sixth.—RECORD OF DEEDS IN THE BOOKS OF THE COMMISSARY COURTS.

"NO Deeds whatever should be recorded in the Commissary Courts; and although this Practice has very "generally obtained, it is irregular, and ought to be prevented in all Cases, for the Time to come."—Rep. Sel. Com. 17.

The Practice of recording Deeds in the Commissary Court Books cannot be said to be irregular. Not to go further back into the Origin and History of that Practice, it may be sufficient to mention, that in 1748, it became the Subject of deliberate Discussion in the Court of Session, when it was fully recognised and established. But though clearly supported by Principle and Usage, I am not the less convinced, that the present Practice is in many Respects pernicious; and, from the Observations which have been submitted under the preceding Article, it may be inferred, that of the Expediency of the Measure here recommended I can entertain no Doubt. There are in Scotland Twenty-four different Consistorial Courts, including the Supreme Commissary Court at Edinburgh; and in each of these Courts it has become usual to keep a Registry of Deeds, which, though strictly warranted by the usual Clauses of Registration, is totally unconnected with the proper Consistorial Functions of the Court. That those Registries ought to be entirely suppressed, appears to me an indispensable Part of that more general Plan of Reform, which I have already ventured to suggest, in the View of giving real Utility to the Registries which shall be continued. If this Measure shall be adopted, there ought, at the same Time, to be a complete Transfer to the General Register House of the Records of Deeds which already exist in the Supreme Commissary Court; and to such Local Registries as shall be thought most convenient, a similar Transfer of those Records which exist in the several Commissary Courts in the Country.

I may take this Opportunity of observing, that in the Custody of the several Commissary Clerks in the Country, there are supposed to exist very considerable Collections of Records, as to which no official Returns were made to the Select Committee. This I should consider as a fit Subject for further Enquiry, under the Authority of His Majesty's Commissioners.

Head Second.—Buildings.

ARTICLE FIRST.—GREAT SEAL OFFICE.

"An Apartment in the General Register House should be allowed to the Great Seal Office."—Rep. Sel. Com. 17.

If the Arrangements which I have already taken the Liberty of proposing, relative to the Register of the Great Seal, should be adopted, there would not remain in the Custody of the Deputy Keeper of the Great Seal any Public Records whatever, for the Security of which an Apartment would be wanted within the Buildings of the General Register House. Even under the present System, no Records are framed in that Office; nor are there any Documents in the Custody of the Keeper, excepting the Precepts which come from the Privy Seal Office, as the Warrants for affixing the Great Seal. These Precepts have hitherto been completely neglected, and, under the Arrangements I have proposed, would be entirely superseded; but if they shall still be continued, there ought to be a rapid periodical Transfer of them to the General Repository, by which the Necessity of occupying an Apartment in the General Register House would also be avoided. At any Rate, there is not at present any unoccupied Apartment, excepting in the Basement Story of the Building; although at no very remote Period, some new Arrangement in the Business of the Court of Session may probably leave Room for the Admittance of some Publick Officers, who have been hitherto unavoidably excluded from the General Register House.

ARTICLE SECOND.—EXCHEQUER.

"The Building now occupied by this Court should be rendered more commodious and secure."—Rep. Sel. Com. 18.

Under this Head, it is sufficient to state, that the Measure here recommended is about to be immediately carried into Execution, under the Authority of an Act of Parliament lately obtained for that Purpose.

ARTICLE THIRD.—SHERIFFS' OFFICES.

"About One-fourth of the Sheriffs' Offices Public Property, the rest in private Houses; all should be lodged "in public Buildings, secured from Damp and Fire; and it would be productive of great Accommodation to "Individuals, if the Records of each County were collectively lodged in one Place."—Rep. Sel. Com. 18.

Of the Utility and even Urgency of the Measures here recommended, no one in the least acquainted with the present State of the County Records can possibly entertain a Doubt. Hitherto the Matter has been left to the voluntary Association of the Heritors or Proprietors of Land in the several Counties; but it has evidently become necessary to adopt a more general and effectual System. This cannot be accomplished without legislative Authority; and I would humbly propose, that, under the Direction and Controul of certain General Commissioners, the Proprietors of Land in each County should be authorized and required to assess themselves at a certain Rate, sufficient to raise a Sum for defraying the Expence of erecting or repairing a Set of Public Buildings in the County Town, for the Accommodation of the Courts of Justice, and for the safe Custody of the Records. Various Provisions would of course be requisite, to give complete and certain Effect to such a Measure; but of these at present it would not, I presume, be proper for me to enter into any minute Detail. I may add, that the proposed Suppression of so many local Registries would greatly facilitate the useful Measure of lodging collectively in one Place the Records of each County.

Head Third.—Catalogues.

ARTICLE FIRST.—GENERAL REGISTER HOUSE.

"(1.) AT the General Register House, Edinburgh, it will be proper to make a General Repertory of its whole "Contents: (2.) It will also be expedient to make an Index to the Records of the Great Seal: (3.) And another "Inventory or Repertory to the detached Charters and Proclamations."—Rep. Sel. Com. 18.

The several important Measures here recommended are deserving of separate Consideration.

(1.)—GENERAL REPERTORY OF THE RECORDS IN THE GENERAL REGISTER HOUSE.—Having formerly had the Honour of submitting to His Majesty's Commissioners my Opinion of the Necessity and Urgency of framing a Catalogue or Repertory of the multifarious Contents of the General Register House, I will refrain from again enlarging on a Point so perfectly evident, and will proceed, in pursuance of a particular Order of the Board (dated May 7, 1806) "to report on the best Mode of executing such General Repertory, specifying what extra Assistance will be required for that Purpose."

Appendix, (V. 2.)

Detailed Report of Deputy Clerk Register.

In executing this Task, I have been desirous to avail myself of the Experience of former Times, and have endeavoured to ascertain what similar Measures had been projected or carried into Effect. That there must have been some General Inventory of the Records committed to the Care of successive Keepers, and for which they were made responsible, it was natural to suppose; and of the former Existence of such Inventories I have accidentally discovered some slight Traces. My Inquiries, however, have led me to nothing of real Importance on the present Occasion prior in Date to the Year 1676.

It appears, indeed, that in 1657, when such of the Scottish Records then in the Tower of London as related to Matters of private Right, were ordered to be sent back to Scotland, an Inventory was made of the Books of Record; —"The Day and Year of the Beginning and Ending of every of the said Books being entered in a Book, and "a Duplicate thereof made," in order that one of them might be kept in England, and the other sent into Scotland*. Of the Contents of this Inventory an Abstract has been preserved, and is printed by Ayloffe; but the Duplicate transmitted to Scotland appears to be now lost; nor is there now extant any similar Inventory, prior to the Year 1676, already mentioned, when it appears from the Books of Sederunt of the Lords of Session, that the State of the Publick Records had attracted their particular Attention.

In June 1676, a Vacancy having occurred in the Office of Clerk Register, by the Promotion of Sir Archibald Primrose of Carington to the Office of Justice General, the Lords of Session directed Two of their Number to take Possession of the Apartments where the Public Records were deposited; and soon afterwards, "in pursuance "of His Majesty's Commands," contained in a Letter addressed to their Lordships, "they did nominat and appoynt the Lords Thesaurer-deput, Collingtoun, Reidfoord, and Newtoun, or any Two of them, to meet at such "Times as they shall think convenient, and to take Inspection of the haill Public Records of the Kingdome, "which are or were in the Possession and Custody of the Lord Caringtoun, late Clark Register, or his Deputs "and Servants, and by themselves, or such as they shall employ under them, to put and continue the same in "good Order; and authorize the Lords above named to receave the saids haill Publick Records from the Lord "Caringtoun, upon sufficient Account and Inventar; and to that Effect the Lords in His Majesty's Name, and by "his Authority, did require the Lord Caringtoun and his Deputs and Servants to exhibite and produce the saids "haill Public Records to the Lords above named, or any of them, when they shall desyre the same; and allowed "the said Lord Caringtoun, or any Person whom he shall authorize, to be present at the inventaring of the saids "Registers, to the end Obedience may be given to His Majestie's Letter in all Points."

This Committee reported to the Court, that "they had taken a View of the haill Records in the Custody of "Lord Caringtoun in the Parliament House, and in the Castle of Edinburgh; and that the Lord Caringtoun "declared he would delyver the same, either upon Inventar, or in Bulk without Inventary, upon Oath that he "had abstracted none of them, as the Lords should think fit to order, he being exonered of the saids Registers: "but they found the Warrants to be so many, and not in order, that it would take a long Time to inventar "them."

In consequence of this Report, the Lords of Session gave the following Directions to their Committee: "They, "in pursuance of His Majestie's Commands, do ordain the whole Register Books which are in the said Lord "Caringtoun's Custody, to be presently inventared by John Anderson, Writer in Edinburgh, and any others who "shall be appoynted by the Lords above named, who shall give their Oaths, that they shall faithfully discharge "this Trust according to such Directions as they shall receive from those appointed by the Lords; and ordains "the Inventary to bear what each Book contains in general, at what Time it begins, and at what Time it ends; "and if there be any Blanks in the Books, that the same be marked in the Inventary," &c.

"The said Lords do appoint the Inventar of the Register Books to be set down in order of Time, and according "to the several Matters contained therein: First, of the Records of Parliament: Secondly, of the Council: "Thirdly, the Registers of Sessione; and amongst them, of Registrat Wrytes apart; of Decreets and Acts apart, "and of Books of Sederunt. Next to these, the Registers of Exchequer; then the Registers of Chancellorie; "and thereafter, the Registers of Sasines; both the General Register at Edinburgh, and the Speciall Registers of "the Shyres; and in all to keep the Order to Time.

"As for the Warrants, those of the Registers of Sessione, since the Year 1660, are yet in the Hands of the Clerks "Sessione; and the former Warrands being in great Masses, without any Order, the Lords do appoynt that the "said Masses be sorted, putting the Registrat Wrytes together, and the Processes together; and that the Num"ber of them both be taken and sett down, that thereafter they may be also digested according to the Order of "Time."

"It is appoynted, that so soon as the Inventary shall be perfected, it shall be insert in the Books of Sederunt."

* See "Proceedings relating to the carrying back into Scotland several of the Scottish Records." Ayloffe's Calendars, &c. p. 551—6.

These

These Instructions were given on the 13th of July 1676; and on the 28th of November following, it appears that "The Inventars of the Register Books which were in the Custodie of the late Clerk of Register, taken up by "Warrand of the Lords being produced before them, according to their Appoyntment, they ordained the same "to be insert in the Books of Sederunt."

From the few following Entries at the Commencement of this Inventory, the Form and Manner in which it was drawn up may be sufficiently understood.

"Inventar of the Registers of Parliament, as they are inventared, and standing in the Skailff, betwixt the Southmost "Window and Charter House, in the Castle of Edinburgh."

"Imprimis, The First thereof begins the 18th March 1841, and ends at the Act in favours of Mr. John Cullen."

"Item, the nixt Book thereof begins the 11th Day of March 1503, and ends at the Gift and Donatione granted "to Alexander Lord Home, of the Lands of Colbrandispath."

"Item, The nixt Book thereof begins the Penult November 1508, and ends at the Decreet in favours of John "Cockburne of Ormestoun."

"Item, The nixt Book thereof begins the 13th May 1532, and ends at the Parliament haldin be Queen Mary, "12th June 1548."

"Item, The nixt Book thereof begins the 24th Aprill 1567, and ends at the Decreet of Reduction of the De-"creet of Forefaulter of David Balfour of Balbuthie."

The Whole of this Inventory is framed in the same inartificial Manner; and in the Arrangement of the different Heads and Particulars of which it consists, it follows the previous Position of the Books in the Presses and Shelves of the Repository in the Castle of Edinburgh, and in the Apartment under the Parliament House. On examining it with some Attention, I am disposed to think that it has been drawn up in a hasty and slovenly Manner; for I know not to what other Cause can be ascribed the Omission of many Volumes of the most important Records, then in the Custody of the Clerk Register. Of such Omissions a glaring Instance is exhibited in the Quotation given above; for of the Thirteen earliest Volumes of Parliamentary Records (which form the chief Part of the Volume printed under the Care of Messrs. Robertson), only Four are specified. It is with more sincere Regret I must add, that a Volume is there introduced as the Third of the Series, which, if the Entry of it be not altogether erroneous, must now, with some others specified in this Inventory, be enumerated among the many Losses which the Records of Scotland have sustained. This Inventory, however, with all its Defects, appears to have been regarded as a valuable Acquisition, although it professed to comprehend only the Records in Volumes, and left unnoticed the original Instruments and Writings, which constituted the Warrants of those Records.

From the Year 1681 to the Year 1696, with only a short Interruption, the Office of Clerk Register was held by Sir George Mackenzie, created Viscount of Tarbat, and afterwards Earl of Cromertie; a Person of considerable Learning and Diligence as a Scottish Antiquary, and who appears to have been by no means neglectful of the Duties of his Office. In the Year 1693 he appears to have prepared a Petition to the Estates of Parliament, in which it was set forth, "that the Records of the Kingdom, besydes their Defects by losing of great Numbers of "them in their Return from England, have been and are *still* obnoxious to the Hazard of being lost dayly, by the "Place wher they are keept, wch consumes and rotts them *so fast*, that many Volumes of the Records, and much "more the single Papers of the Warrants, doe dayly suffer, so as that in a few Years the King and People may "suffer excessive Prejudice. That the Method of transferring the Custody of the Records, from on Clerk Register "to another, is so perfunctorious as not to give any certainty to the Leidges in so weighty a Matter." That albeit "ther was ane Inventar made once of the Record Books, yet they have been since so lost, especially in the late "Siege of the Castle *, wher the Records of Parl^t^ and Great Sealls were kept, that it is not known what is or is "not extant." "That the Record Books were so inventared, yet the Warrants (which are of farr more Autho-"rity and Value) were never noticed nor inventared, nor put in order; and although your Petitioner did do more "towards that than was done formerly, yet what he caused do, was neither with Authority, nor compleat, nor can "it afford any Assurance to the Leiges, untill a Method be fixt by Authority."

After stating several other Matters relative to the Public Records, the Petition concludes with a Proposal for the Appointment of a Committee, "To consider the Premises, and to prepare Remedies for these Evils," relative to the Preservation, Transference, and safe Custody of the Records; and, in particular, "That a new Inventar be "made of the Records," and, "That some certain Way be proposed for ordering of the Warrants, both for the "practicable finding them on Occasion, and for securing them from loss or sealing."

* From November 1688 to June 13, 1689.

A Copy

Appendix, (V. 2.)

Detailed Report of Deputy Clerk Register.

A Copy of this Petition I lately found among some miscellaneous Papers in the General Register House; but whether it ever was presented to Parliament, or what Proceedings took place in consequence of it, I have not been able to discover, either from the Original Records, or from the printed Minutes of Parliament.—Thus much is certain, that in the Course of a few Years afterwards, the Records preserved in the Castle of Edinburgh were removed to the Apartments under the Parliament House; and that a new Inventory of the Whole was framed about the Year 1701, which is still preserved in the General Repository. I do not know whether it be to this Inventory that Messrs. Robertson have alluded in their Return to the Select Committee, (Page 397), as a Transcript of that of 1676, in the Books of Sederunt; but on Examination they will be found widely different. Both have been framed on the same general Plan; but the latest has been executed apparently with greater Care, and is, in many Respects, more perfect. In some of its Branches, it is brought down to the Year which I have ventured to assign as the probable Date of its Compilation; some Branches, such as the Records of Exchequer, which are altogether omitted in the Inventory 1676, are there very amply detailed; and in other Branches, such, for Example, as the Parliamentary Records, it has been rendered much more accurate and complete. Like the Inventory 1676, it follows and points out the previous Position of the Volumes in the Presses and Shelves, and in its Arrangement is thus rendered less systematic than such a Work very easily admits of; and in the Manner of entering the successive Volumes there is a close Resemblance. The following Specimen corresponds to that which has been given of the Inventory 1676:

"Inventar of all the Books or Registers in the Lower Parliament House."

"In the Inner Room thereof,"

"The Registers of Parliament are within the new Press opposite to the Window; and the First thereof is of King "Alexander's Parliament in the Year 1210; and also of the Parliament of King James the First, Second, and "Third, and of the Auditors appointed by them, beginning 26th May 1424, ending 6th May 1474."

"The next is of the Parliaments of King James the First, Second, and Third, and their Auditors, beginning "13th March 1424, ending 13th October 1474, and contains also the Parliament of King Robert the Third, "holden 13th February 1400."

"The next is of King James the Third's Parliament, and their Auditors, beginning 28th November 1475, ending "4th February 1481."

"The next is of the Parliament of King James the Third and Fourth, and their Auditors, beginning 18th March "1481, ending 26th June 1493."

"The next is of King James the Fourth's Parliaments, and their Auditors, in the Years 1490, 1491, and "1492."

"The next is of K. James the Fourth's Parliaments, and their Auditors, beginning 27th November 1494, ending "12th November 1495."

"The next is of K. James the Fourth's Parliaments, and their Auditors, beginning 11th March 1503, ending "16th February 1505."

"The next is of K. James the Fifth's Parliament, beginning 14th November 1524, ending 9th June 1531."

"The next is of K. James the Fifth's Parliaments, beginning 13th May 1532, ending 18th July 1539."

"The next is of K. James the Fifth's Parliaments, and Queen Mary's, beginning 13th May 1532, ending 12th "June 1548."

"The next is of Queen Mary her Parliaments, beginning 2d September 1545, ending 13th August 1546."

"The next is of the Parliament of Queen Mary, beginning 29th November, ending 5th December 1558."

"The next is of Queen Mary her Parliament, beginning 14th ending 19th Aprile 1567."

"The next is a Register of a Committee of Parliament in the Year 1567," &c. &c.

Since the Date of this Inventory, no Attempt appears to have been made to frame another upon a better Model, or to continue and carry it down by the Addition of the Records which have been subsequently transmitted to the General Repository. The accumulated Records of more than a Century (which in the Two leading Branches of Land Rights and Judicial Proceedings, have increased with a Rapidity beyond all former Example), remain without any Sort of Repertory to indicate their Existence, or their Place; and besides, since the Date of the last Inventory, the whole Mass has been transferred to the present Register Office, and has necessarily undergone a new Arrangement, bearing no Relation to that of the former Inventory. At the same Time, however, it must be obvious, that in framing a new Repertory or Catalogue, the Materials of the former may be of considerable Use in facilitating the Execution of the earlier Part of the Work.

The Mode of framing such a Repertory must, of course, depend on the Uses which it is intended to serve. These Uses I understand to be chiefly Three: First, That in the successive Transferences of the Custody of the Records from one Officer to another, it should afford the legal and appropriate Evidence of what ought to be delivered, and of what is actually received: Secondly, That it should give the Public sufficient Information of the Records which actually exist, and to which they may have Access: And, Thirdly, That it should enable the

Keepers

Keepers to find every Volume of Record, and every Original Instrument or Writing that is wanted, with the least possible Trouble and Delay, and without the Necessity of wasting Years in the Acquisition of a Knowledge of local Arrangement, which must necessarily perish with the Possessor of it.

As preliminary Steps to the Compilation of a Repertory which is to have these Objects in View, it will be indispensably necessary, as in all great Libraries, to affix some distinctive Marks on the several Apartments, Presses, and Shelves, where the Records are deposited, and to appropriate to the several Classes of Records, and to the different Volumes or Parcels of each Class, a suitable and permanent Place. In the present Register Office so much has been already done towards the Execution of the last of these Measures, that what yet remains to be done may be completed without much Trouble. In the Execution of the former, the simplest Methods are, of course, the most adviseable; and, perhaps, nothing more simple, or less liable to Uncertainty and Mistake can be recommended, than to distinguish the several Apartments by Numbers, and the several Presses in each by Letters. The Shelves and the particular Places on each must, of course, be *distinguished by Numbers. To complete these preliminary Arrangements*, it would be proper *to mark on every Volume and Bundle the Apartment, Press, Shelf*, and Place to which it belongs.

Another Step of a preliminary Sort may here be mentioned. *Many of the more ancient Volumes of Record* are in a State of Decay, and ought to be rebound. *Without this Precaution, they cannot be consulted* without Injury, nor can they long be preserved from complete Destruction. I mention this at present, as in some Sort necessary to the Mechanical Arrangements of which I have been speaking.

In framing the General Repertory, the only Matter which seems to demand much Consideration, is the systematic Arrangement of the different Heads or Classes of Records into which it must be subdivided. On this Point, however, no immediate Determination is requisite; the most important and most voluminous Classes will present no serious Difficulty; and as to those of inferior Magnitude, the Determination can only be made after the different Sorts have been carefully ascertained and brought under Review.

In the Details of each Class, the Method I would venture to recommend, is at once easy in the Execution, and perhaps the most convenient for Consultation. It is to arrange the necessary Notices of the different Volumes or Bundles in the Form of a Table, consisting of Five Columns; the First, for the Number of the Volume or Bundle; the Second, for the Date of its Commencement; the Third, that of its Termination; the Fourth, for its Place in the Repository; and the last, to be allotted to such occasional Remarks as may be necessary on the State or Contents of the Record.

To each of these Classes or Tables should be prefixed a short Account of the precise Nature and Purposes of that particular Record, the Authority by which it has been instituted, the Officers by whom it has been framed, and such other Matters as may tend to facilitate the Consultation of it.

To the Whole, if it should ever be made public, ought perhaps to be prefixed a more general and extended Account of the Public Records of Scotland, in which the more important and interesting Matters connected with their History and present State might be detailed, and the Laws for their Establishment and Regulation might be explained.

In the Return made by Messrs. Robertson to the Orders of the Select Committee, it was stated, that to form a General Repertory of the Records in the immediate Custody of the Lord Clerk Register would be a laborious, and of course an expensive Work; but that with the Assistance of Two young Men then in the Office, it might, perhaps, be accomplished in Eighteen or Twenty Months. Since the Date of that Return, Mr. William Robertson and One of his Sons, there alluded to, have died; and the Office of Deputy Keeper is now held jointly by Mr. Alexander Robertson and his Nephew, also alluded to in the Return. By Mr. Alexander Robertson I have been authorized to say, that he is willing to undertake the Execution of the Work in question, without any extraordinary Assistance; although within what Period, he has not been able to assure me. Indeed, if the preliminary Measures which I have ventured to propose were properly executed (the Superintendence of which I should conceive to be a Part of my official Duty, as Deputy Clerk Register), I am confident that the principal Work might be executed with great Rapidity, even by Persons of moderate Skill in the Perusal of Records.

I have only to add, that it ought to be made a standing Regulation to be observed by the Deputy Keepers, to enter every Volume or Bundle of Records in the Repertory immediately on its Transmission to the General Register House.

(2.)—Index to the Records of the Great Seal.—On the Propriety and Utility of forming an Abstract of Royal Charters and other Grants which have passed the Great Seal, I have already had the Honour of submitting to His Majesty's Commissioners the Views that have occurred to me. It was on this last Occasion that

Appendix, (V. 2.)
Detailed Report of Deputy Clerk Register.

that His Majesty's Commissioners were pleased to order, "That Mr. Thomson be desired to cause to be prepared "a concise Abstract of all the Royal Charters of Scotland which exist, whether on the Public Record or otherwise; mentioning in such Abstract the Names and Descriptions of Parties, the Subject Matter, and the Date, "both as to Time and Place, and annexing thereto alphabetical Indexes of Persons and Places."

It may be proper to observe, that this Order is necessarily and intimately connected with another made at the same Time, by which I was desired to take such early Measures as I might think practicable for obtaining and transcribing in the most authentic Manner all such Royal Charters as may be found to exist, either in public or private Repositories, and which are not at present to be found in the Register of Charters in the General Register House; noting on such Transcript the Places from which they have been obtained, and any other material Circumstances respecting them.

I have the Satisfaction to state, that both these Works are now in Progress, and that their more rapid Advancement has been retarded only by the Difficulties I have had to encounter, in finding Persons duly qualified for such a Task. As the Collection of Royal Charters naturally takes Precedence of the Formation of the Abstract and Indexes, I have been more particularly anxious to put the former in a State of forwardness; and, accordingly, Transcripts have already been made of a great many Royal Charters from the Reign of David I. downwards to that of Robert III. These have been entered in Books appropriated to the different Reigns, in such a Manner, that the several Charters of each Reign may be afterwards arranged in Chronological Order, if such a Measure should be deemed expedient. On the Execution of this Measure a separate Report shall be made; at present I have alluded to it only, as having affected the Progress hitherto made in the Formation of the Abstract of Royal Charters.

There is, however, one Part of this Abstract, which unhappily stands very much unconnected with the other Work, and to which, on that Account, my Attention has in the First Instance been more particularly drawn. It is known to His Majesty's Commissioners, that many Records of Charters of the Reigns of Robert I. David II. and Robert II. and III. which were extant in the Reign of Charles I. have since disappeared, without leaving behind them any Traces of their Fate; but the Loss of which may fairly be ascribed to some of those rude Accidents and Hazards to which the Public Records of Scotland were exposed, during the latter Half of the Seventeenth Century. Of these Records of Charters, certain Calendars or Indexes appear to have been formed by the Officers in whose Custody they were kept; and a Copy of One of these, drawn up about the Year 1629 was discovered some Years ago among the Manuscripts in the Harleian Library; and in 1798 was published by the late Mr. William Robertson, at the Desire and Expence of the Lord Clerk Register. The Contents of this Index or Abstract, in spite of the very meagre Form in which it is drawn up, and the numerous Inaccuracies by which it is obscured and deformed, are highly valuable and interesting; and it thus becomes a most desirable Object to improve and enlarge it by means of all the Materials yet within our reach. Some Originals, and a very considerable Number of authentic Transcripts of Charters contained in the lost Rolls, have been found, and have been entered in the Collection of Royal Charters already alluded to. From these, of course, many Corrections of the Abstract may be derived; but, independently of these, I have been already fortunate enough to meet with Two other Calendars or Abstracts of the same Records, by a Collation of which with the Index 1629, many gross Errors have been corrected, and many important Additions have been obtained. One of these appears to have been compiled in the latter Part of the Sixteenth Century, and was very liberally communicated to me, for the public Use, by George Chalmers Esquire. The other makes Part of a large Collection of Transcripts and Abstracts from the Public Records, made, as has been supposed, under the Inspection, and for the private Use of Thomas, First Earl of Hadington, Clerk Register in the Reign of King James VI. and which is now deposited in the Library of the Faculty of Advocates. Although the Abstracts in this Collection are not made with extreme Accuracy, yet are they in many Instances more copious than either of the Two other Calendars, and on this Account peculiarly valuable. I scarcely need to add, that, from these Materials, it will now be easy to exhibit a more complete Abstract of many of the lost Rolls or Charters, than that which was printed in 1798.

The Abstract of the Royal Charters that may from Time to Time be recovered, or of which authentic Copies may be procured, shall be carried on concurrently with the Transcription of those Charters.

The Abstract of the Rolls and Books of the Great Seal, preserved in the General Register House, will be a Work of more laborious Compilation; but the Labour will, I trust, be considerably alleviated by Means of some former Works of a similar Kind, which I shall be able to procure. The most considerable of these is an Abridgment of about Twenty of the earliest Volumes of the Record of the Great Seal, drawn up under the Inspection and at the Expence of the late Walter Macfarlan of Macfarlan, Esquire, a Gentleman of eminent Acquirements as a Scottish Antiquary, and who appears to have been fully aware of the Value of this Branch of the Public Records. It is now deposited in the Library of the Faculty of Advocates. It cannot, however, be adopted as an exact Model of the proposed Abstracts of these Records, being in some Instances too brief, in others too copious. Charters which did not appear to be of peculiar Importance, are mentioned very slightly; while, on the other Hand,

Hand, those that were accounted more curious and interesting, are quoted at great Length, and with very little Abbreviation or Omission. The Compiler had thus attempted inartificially to combine what I have already suggested, as fit Subjects of Two separate Works; namely, a concise Abstract of all the Charters, for the Purposes of Reference to the Record, and of more slight Investigations; and a separate Selection of the more valuable, as illustrative of Constitutional and Municipal Jurisprudence.

In this Branch of the Abstract of Charters no Progress has yet been made; nor in the Execution of it should I venture to employ any Person on whose Accuracy and Judgment a very competent Reliance might not be placed. The Persons who have been hitherto engaged in the Business of the Sub-Commission, are so completely occupied with the Abridgment of the Record of Retours, and with the Transcription of Ancient Charters, and of the Materials for the earlier Periods of the Parliamentary Records, that until several new Hands have been procured, and properly trained to the reading and copying of the Records, I should think it inexpedient to detach any of the former from the Employments in which they are now engaged. Such additional Assistance I have been most anxious to procure, and have not been altogether unsuccessful; and I confidently trust, that in the Course of the present Year, the several important Works here alluded to may be safely commenced, and prosecuted without further Interruption.

3.—INVENTORY OF ORIGINAL INSTRUMENTS, CHARTERS, &c. IN THE GENERAL REGISTER HOUSE.—In a former Letter to the Secretary, I had the Honour of stating, for the Information of His Majesty's Commissioners, that this Measure had been carried into Execution. I have now only to add, that, in the Course of the proposed Operations for framing a General Repertory, I am persuaded that other detached Instruments, &c. will be found, of which separate Entries ought to be made; and I would beg Leave to suggest, that, in the Event of printing the General Repertory, it would be proper to incorporate with it the Inventory of Original Instruments.

ARTICLE SECOND.—EXCHEQUER.

"An Index should be made to the Book of Decrees and Orders of the King's Remembrancer, for the Purpose "of supplying the Loss of one removed from thence in 1767."—Rep. Sel. Com. 18.

On every Thing connected with the Records of Exchequer, I must at present speak with great Diffidence, as my Information respecting them is as yet extremely imperfect. Conceiving, however, that the Duties of Superintendence and Controul attached to the Office of Deputy Clerk Register must be held to extend to this Department of the Public Records of Scotland, although now withdrawn more than formerly from the direct Interference of the Lord Clerk Register, I shall embrace the earliest Opportunities of making myself acquainted with whatever concerns their Formation, Custody, and Preservation; and I already foresee, that I shall find it necessary to submit to the Consideration of His Majesty's Commissioners, and of the Barons of Exchequer, the Propriety of adopting various Measures of Regulation on each of these Heads. In the mean Time, I have only to add, that the Formation of the Index to the Book of Decrees and Orders of the King's Remembrancer appears not to be considered as a Measure of peculiar Urgency. If, however, His Majesty's Commissioners should direct the immediate Execution of it, the Clerks now in the Office might be fitly employed for that Purpose.

ARTICLE THIRD.—HIGH COURT OF JUSTICIARY.

"An Index is wanting to these Records."—Rep. Sel. Com. 18.

On the Expediency of this Measure, as well as on that respecting the Record of the Circuit Court of Justiciary, I have thought it my Duty to request the Opinion of the Judges; and in a Letter already referred to, which I had the Honour to receive from the Lord Justice Clerk, it is stated as their unanimous Opinion, that the Measure in question "would be of public Utility; that the proposed Index of the Books of Adjournal should be extended to "the Circuit Proceedings; but that it will be a Task of considerable Difficulty; and, unless executed both with "Accuracy and Judgment, will be comparatively of little Use."

As the great Desideratum under this Head is an Index Materiarum, it is obvious, that, without a considerable Portion of legal Knowledge in the Compiler, a proper Selection and Arrangement could not be expected. As, however, the more modern Records will exhibit fewer Difficulties than those of an earlier Period, when Rules and Forms, now become antiquated, were in Observance; would beg Leave to propose, that, in the first Instance, the Index should commence with the Institution of the present Court of Justiciary in the Year 1672, and be continued down to the present Day. This Index might be fitly divided into Three Different Parts or Series: 1. An Index of the

Appendix, (V. 2.)

Detailed Report of Deputy Clerk Register.

the Names of Parties. 2. An Index of Cases, in which, under the different Species of Crimes, arranged Alphabetically or Systematically, the Cases of each Class, in the Order of Time, should be indicated by the Names of the Parties, the Dates, and the Places of Trial. 3. An Index of Points of Criminal Law, which have been discussed and determined;—a Branch of the Work which would perhaps be the most useful, but would, at the same Time, be the most difficult of Execution.

In the View of afterwards extending the same Plan to the more ancient Criminal Records of Scotland, which are in many Respects highly curious and instructive, I would earnestly recommend to His Majesty's Commissioners that an Order should be given to have an accurate Transcript made of several of the earlier Volumes, which are already in a State of Decay, and are of difficult Perusal; and that Copies should also be made and authenticated of Two Volumes of these Records, now deposited in the Library of the Faculty of Advocates; both which are prior in Date to any of those now remaining in the Justiciary Office. Many of these earlier Volumes ought also to be rebound without Delay.

Article Fourth.—ADMIRALTY.

"An Index is wanting to such Proceedings of this Court as are carried on to Final Sentence."—Rep. Sel. Com. 18.

In the High Court of Admiralty, as in most other Courts of Justice in Scotland, the Decreet or Final Sentence comprehends a complete Transcript of all the written Pleadings in the Cause; of which a Copy or Extract is given to the successful Party. The Practice of recording these Decreets, so long neglected in the Sheriff Courts, appears to have been regularly observed in the Admiralty Court; and it is to this Record that, in the Return made to the Select Committee by the Clerk of this Court, an Index is said to be wanting. After full Inquiry and Consideration, I am humbly of Opinion that, retrospectively, the Measure would be of no great public Utility, and that the ordinary Researches of Individuals may be conducted with tolerable Facility, by Means of what is technically called the Responde Book, kept by the Deputy Clerk for the Purpose of entering the Fees of each Extract, for which he is accountable to the Principal Clerk of the Court. In future, however, there would be no Hardship in requiring the Deputy Clerk to keep a separate Book for entering, Chronologically and in the Form of Tables, the general Title, the Names of Parties, and the exact Date of every Decreet that is extracted.

I must take this Opportunity of stating, that the Record of Decrees in this Court has for about Sixty Years back been preserved in a very slovenly Manner. Instead of being bound regularly in Volumes as formerly, the Decreets have been allowed to remain detached, and have been usually deposited in the same Bundle with the Warrants from which they were compiled. In this Manner they are apt to be mislaid and lost, and are in the mean Time of much more difficult Access for the ordinary Purposes of Consultation. From the Infrequency of such Consultations, this Irregularity has hitherto passed without Notice; but it ought instantly to be corrected; and I apprehend that the Clerks now in the Office ought to bear the very trifling Expence of binding the Records that have been framed during the Period of their own Tenure; and that for the preceding Periods only, as to which the present Clerks cannot be held responsible, the Expence should be defrayed by the Public.

Head Fourth.—Transfers.

Article First.—GENERAL REGISTER HOUSE.

"By Act of Parliament of Scotland, 1685, "Ordained, That all the Clerks within the Kingdom, deliver in "their Registers to the General Register House, every Ten Years.—Proper now to be brought in every Five "Years, except in Special Cases."—Rep. Sel. Com. 18.

The Measure here recommended I am disposed to regard as peculiarly entitled to the serious Consideration of His Majesty's Commissioners. Its Importance might justify an extended and detailed Discussion; but, at present, I shall confine myself to a few general Results, without stating all those Facts and Views with which they are connected.

In the general Establishment for the Formation and Custody of the Public Records of Scotland, Arrangements originally casual have been wisely and happily improved into a System of great Simplicity and Efficacy; but of which the Movements and consequent Advantages have been greatly thwarted and impeded by various minute Defects in the Mechanism of its Parts. The grand moving and regulating Principles of the whole, I conceive to be, the Separation of the official Duties of FORMING and of KEEPING the Records; the committing of the latter to a Person of high official Rank and Responsibility, invested with Powers of Superintendence and Controul over every

every Part of the System; and the frequent and compulsory Transmission of the Records from the Offices where they were framed, to the great central Office, where their Accuracy is to be tried, and where they are ultimately to remain for the public Use. It is from the joint Operation of these Principles, gradually introduced by Statute and by Usage, that a systematic Unity has been given to this Branch of the National Establishments; and I presume, that every one acquainted with the actual State of the Records of Scotland must be convinced, that, had these Principles been carried into Practice, as far as their Nature plainly admits, and had they been regularly and vigorously acted upon, we should not, at this Day, have had occasion to complain of the practical Degradation of a System, so excellent in its Plan and Theory, and so much admired and vaunted as a national Benefit and Honour. With respect to the past, much of this Mischief is beyond the reach of Redress; but with respect to the future, I am persuaded, that without any violent Innovation, much might be done to palliate, if not to eradicate the Evil.

Although it is evidently a leading Principle in the System to separate the Duty of forming from that of keeping the Records, yet neither in the Regulations which have been successively established, nor in the Practice which has actually prevailed, has this Separation been carried so far as either its Nature admits, or the Public Interest requires. In the Hope of intercepting some of those Emoluments which arise from the "Searches" of Individuals, the Officers by whom the Records are framed, have at all Times betrayed a strong Inclination to retain them in their own Custody as long as possible, to the manifest Inconvenience of the Public, and to the almost total Annihilation of those salutary Checks which depend in a great Measure on the rapid Transmission of the Records to the General Repository. Prior to the Statute 1685, such of the Public Records as were not regulated in this Respect by the Operation of marking, were transmissible at the End of Five Years; but by the Statute alluded to, the Period was doubled; and it was ordained, that the Clerks in the different Registries, "should thereafter only keep Ten Years Records in their own Hands for the Use of the Liedges." The Impolicy of this Extension, in itself sufficiently obvious, has been completely proved by Experience; and in the greater Number of Instances, it has given rise to a Practice, completely subversive of that Controul over the formation of the subordinate Registers, which it is a main Object of such Transmission to accomplish. Instead of an Annual Delivery of the Records of every Eleventh Year, it has become common to withhold that Delivery, until the Records of Twenty Years have been accumulated, when the Records of the first Ten Years are transmitted in One Mass. This System of Delay has placed the Clerks in the subordinate Registries so much beyond the Fears of immediate Inquiry and Detection, that, by a very easy Process of Negligence and Misconduct, they have been tempted, in many Instances, not merely to execute their Work in a slovenly Manner, but totally to neglect the formation of any Record whatever, contenting themselves with receiving the Fees that are due only on Account of such Record.

To correct these Abuses, and again to invigorate that System of Controul, which is so essential to the Utility, and even to the Existence of the Public Records, it appears to me of the last Importance, that the Separation of the Duties of forming and of keeping the Records should be carried as far as possible; and that in all Cases, without Exception, the successive Volumes of Record should be transmitted to the General Respository as soon as they are completed. As to those Registers that are already transmissible in this Manner, by Means of the Operation of Marking, the Delivery has of late been accelerated by diminishing the Size of the Volumes that are issued by the Lord Clerk Register. Formerly, each of these Volumes contained above a Thousand Pages in Folio; which in many of the Local Registries were not filled up in less than Ten, Fifteen, or Twenty Years; and in very few of them, was the Transmission of the successive Volumes rendered sufficiently rapid to secure the highest Degree of Punctuality and Accuracy in their formation. On these Accounts, the Size of the Volumes ought to be regulated, in every Case, at the Discretion of the Lord Clerk Register, in such a Manner as to insure their Return to the General Repository in the course of One or Two Years. Again, as to those Records that are not marked, and are made transmissible only by the force of Penalties, I have already offered it as my Opinion, that all of them ought to be subjected to that Operation, by Means of which the Periods of their Transmission might be exactly regulated. At all Events, I would humbly recommend, that the Size of the Volumes to be employed in the several Registries should be exactly ascertained; and that these should, in every Case, without Exception, be successively transmitted, as soon as they have been filled up.

The Alterations now proposed can hardly be considered as of the Nature of harsh or violent Innovations. They obviously coincide with the great leading Principles of the System, and merely aim at an Improvement of that System, by bringing those Principles still more completely and effectually into Activity. Some Compensation might, in consequence, become due to the present Officers in some of the Registries; but its Total Amount could not be great, and might perhaps be most usefully and conveniently given, by a small Addition to the Fees of Registration.

Appendix, (V. 2.)
Detailed Report of Deputy Clerk Register.

ARTICLE SECOND.—GREAT SEAL.

"THE Warrants thereof, together with the Duplicates of all Deeds which pass the Great Seal, and the Index "to Decrees, should be carried in annually."—Rep. Sel. Com. 18.

I have already submitted my Opinion as to the Inexpediency of establishing any new Record of Writs which pass the Great Seal; and now referring to what has been already said under the Head of "Registration," I have only to add, that by the Measures there suggested, the Objects recommended by the Select Committee would be fully attained.

The Index to Decreets mentioned above, is that which has been suggested as wanting in the High Court of Admiralty. I have already expressed my Doubts of the Expediency of making such an Index for the Records of the past Proceedings of this Court; but with respect to the future, I should think it proper and useful that a Duplicate of the Index or Responde Book, containing the Titles of extracted Decreets, should be transmitted annually to the General Repository.

ARTICLE THIRD.—RECORDS OF TEINDS, AND OF TAILZIES AND INVENTORIES.

"Should be carried in annually, if possible, or within such Period as the Court of Session may direct."—Rep. Sel. Com. 18.

Of the Propriety and Expediency of these Measures no Doubt can be entertained, and I am humbly of Opinion, that they ought immediately to be carried into Execution. Indeed, I am very clearly of Opinion, that the Practice which has prevailed, of suffering the Records above mentioned to remain in the Offices where they are formed, is not only inexpedient, by diminishing their Security and Accessibility, but is also contrary to the existing Laws of Scotland, and to the constitutional Rights and Privileges of the Lord Clerk Register. In this View, the proper Mode of Proceeding would be by Petition to the Lords of Session, in the Name of the Lord Clerk Register, in Terms of which, it is presumed, an order might be obtained to enforce the regular periodical Transmission of the Records in question. In doing so, however, the Lords of Session would probably feel themselves bound to inquire, at the same Time, into the Amount of the ordinary official Emoluments that might, in consequence, be withdrawn from the Clerks of the Court of Teinds, and the Keeper of the Registers of Tailzies and of Inventories; and might hesitate to sanction the Measure, unless the Means of Compensation were pointed out and provided. The Amount of a fair Compensation could not, in either of these Cases, be very considerable, and might, perhaps, be most usefully given by a suitable Addition to the present Fees of Registration.

In concluding this Report, I beg Leave to add, that while I have in general confined myself to the Points which have been expressly referred to me by His Majesty's Commissioners, I have, in some Instances, ventured to extend my Observations to other collateral and connected Matters, which seemed deserving of immediate Attention. These Matters, in some Degree extraneous to the proper Subjects of this Report, I should wish to be understood as only a partial and incidental Selection of what may be deemed of chief Importance to the Regulation and Reform of the Public Records of Scotland. In the Discharge of my official Duty, I shall have Occasion again to review the Subject at large, in a more systematic Form, and in its numerous and complicated Details; but, in the mean Time, I humbly hope, that the detached Measures which I have now attempted to explain and recommend, will not only be found intelligible, but will appear to be properly adapted to the established Principles of that System of which they are meant to form a Part

THO. THOMSON, Dep. Cl. Reg.

(V. 3.)

Minutes of Boards of the 25th and 30th July 1807.

AT BOARDS of The Commissioners on Public Records, holden 25th July, and 30th July 1807.

APPENDIX, (V. 3.)

Further Measures ordered.

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons;
The Right Honourable Lord FREDERICK CAMPBELL;
The Right Honourable JOHN Lord REDESDALE;
The Right Honourable Lord GLENBERVIE;
The Right Honourable Sir WILLIAM GRANT, Master of the Rolls;
The Right Honourable ARCHIBALD COLQUHOUN, Lord Advocate of Scotland;
The Right Honourable NATHANIEL BOND.

Having read the Report of the Deputy Clerk Register, dated 2d April 1807, and taken the same into Consideration, the Commissioners came to the following Resolutions:

I. REGISTRATION.

Article 1, viz. Great Seal.—RESOLVED, That it be recommended to the Lord Clerk Register to make an Application to the Court of Session for an Act of Sederunt, authorizing and requiring the Director of Chancery, and his Deputies and Clerks, on giving out any Writ to the Great Seal, to demand a certain Deposit, to be returned when the sealed Writ shall be again brought back, for the Purpose of recording the Fact and Date of the sealing.

ORDERED, That the Secretary do transmit to the Lord President of the Court of Session, the Lord Advocate, the Lord Justice Clerk, and the Lord Chief Baron for Scotland, a Copy of this Part of Mr. Thomson's Report, together with the preceding Minute of the Board thereupon, requesting them to take the General Subjects of the said Extract of Report into their Consideration, and to communicate to this Board their Opinion thereupon. The Lord Advocate is requested to promote the Purpose of this Minute when in Scotland.

Article 2. Circuit Court of Justiciary.—ORDERED, That the Secretary do write to the Lord Justice Clerk, inclosing Copy of the Report on this Article, requesting his Lordship to lay it before the Court of Justiciary for their Consideration, and to communicate to this Board their Lordships Opinion thereupon, both with respect to the Propriety of the Measure therein proposed, and the Mode of its Execution; whereupon this Board will make Application to the Lords of the Treasury, for defraying any necessary Expence which may be incidental thereto.

Article 3. Record of Decreets in the Sheriff's Court; 4. Record of Deeds in the Sheriff's Court; 5. Record of Sheriffs' and Borough Courts; 6. Record of Deeds in the Commissary Courts.—ORDERED, That the Secretary do also transmit to the Lord President of the Court of Session, the Lord Advocate, the Lord Justice Clerk, and the Lord Chief Baron for Scotland, a Copy of these Parts of Mr. Thomson's Report, requesting them to take the same into their Consideration, and to communicate to this Board their Opinion thereon.

And further, with respect to Articles 5 and 6.

ORDERED, That Mr. Thomson do prepare, under the Direction of the Lord Advocate, a Set of Queries for obtaining the Information suggested to be necessary; and that when the same has been received by the Secretary, it be submitted to the Right Honourable the Speaker for his Directions, as to the proper Mode of forwarding the Queries to the respective Parties.

II. BUILDINGS.

Article 1. Great Seal Office.—POSTPONED, The further Consideration thereof, until some Answer is received to the Order upon Head I. Article 1.

Article 2. Court of Exchequer.—Upon this Article Mr. Thomson informed the Board, that the Measure herein recommended is now carrying into Execution, under the Authority of an Act of Parliament obtained for that Purpose.

Article 3. Sheriffs' Offices.—RESOLVED, That it be referred to the Lord Advocate to consider of proposing a Bill to Parliament, for the Purpose of accomplishing the Measure here recommended.

III. CATALOGUES.

Appendix, (V. 3.)

Further Measures ordered.

III. CATALOGUES.

Article 1, entitled, General Register House, subdivided into the Three Branches following, viz. No. 1. General Repertory of the Records in the General Register House; No. 2. Index to the Records of the Great Seal; No. 3. Inventory of Original Instruments, Charters, &c. Upon the First Branch of this Article—RESOLVED, First, That this Board do approve of Mr. Thomson's Suggestions respecting the Preliminary Measures, of affixing distinctive Marks on the several Apartments, Presses, and Shelves in the General Register House; and also the immediate rebinding of the decayed Volumes; and direct that the same be executed with all convenient Dispatch; and that Mr. Thomson do report to the Secretary, for the Information of the Board, his Progress therein, and any extraordinary Expence incurred thereby, beyond the ordinary annual Expences of the Establishment.

RESOLVED, Secondly, That Mr. Thomson do prepare a Plan for framing an Inventory, in the Nature of a Press Catalogue, describing the general Contents of each Apartment, Press, and Shelf, for the Use of the Public, and for securing thereby the faithful Transfer of the Contents of the General Register House to each succeeding Lord Clerk Register. Such a Plan to be submitted to the Board for its Consideration, in order to its being afterwards laid before the Court of Session.

RESOLVED, Thirdly, That Mr. Thomson do cause a classed Catalogue or detailed Repertory, of the particular Contents of the General Register House, to be prepared, in Columns, distinguishing the several Matters as proposed in his Report; and that a Specimen of such Repertory be laid before this Board as soon as it can be prepared.

Upon the 2d Branch of this Article, namely, the Index to the Records of the Great Seal, RESOLVED, That Mr. Thomson do proceed upon the Matters therein stated, and specify his Progress in his Quarterly Report.

Upon the 3d Branch of this Article, the Inventory of Original Instruments, Charters, &c. RESOLVED, That Mr. Thomson do proceed according to the Suggestion in this Part of his Report.

Article 2, entitled, Exchequer.—RESOLVED, That the Secretary do write to the Barons of Exchequer in Scotland, that the Board, taking Notice, that in the Return made by the King's Remembrancer to the Orders of the Select Committee of the House of Commons, appointed to inquire into the State of the Public Records of the Kingdom, dated 3d June 1800, it had been stated, "That there was no Catalogue or Index to the Rolls of Judicial "Proceedings in the Court of Exchequer; but that prior to the Year 1767 there had been an Index to the said "Records, which was carried out of the Office by the then Keeper; that Measures were taken by Order of the "Court for its Recovery, but ineffectually; and that it is not known whether it now exists." And that the Select Committee had reported thereupon, that "in the Exchequer an Index should be made to the Books of Decrees "and Orders in the Office of the King's Remembrancer, for the Purpose of supplying the Loss of one removed "from thence in 1767," request the Barons to take the same into their Consideration, and communicate to this Board what Measures their Lordships shall adopt thereupon.

Article 3, entitled, High Court of Justiciary.—RESOLVED, First, That Mr. Thomson do proceed to direct the Execution of what concerns the Matters suggested in this Part of his Report, respecting the ancient Criminal Records:

RESOLVED, Secondly, That with respect to the Index to all the Records of the Justiciary Court, Mr. Thomson do, on the Part of this Board, communicate with the Lord Justice Clerk, and obtain his Recommendation of a Person properly qualified to execute the Work proposed, and that such Person do proceed in the Execution thereof.

Article 4, entitled, Admiralty Court.—RESOLVED, That the Secretary do write to the Judge of the High Court of Admiralty in Scotland, recommending to his Consideration the Expediency of ordering the Clerks in Court to keep a separate Book for entering chronologically, and in the Form of Tables, The General Title, The Names of Parties, and The exact Date of every Decreet that is extracted; and of transmitting a Duplicate of such Index annually to the General Register House; and further recommending to his Consideration the Expediency of ordering the Decreets of this Court for the Time past to be bound, (an Account of the Expence thereof to be transmitted to this Board), and of directing also, that the several Clerks do in future bind the same, at their own individual Expence, as formerly done; and lastly, that he be requested to acquaint the Secretary, for the Information of the Board, what is done in the Matters aforesaid.

IV. TRANSFERS.

Article 1, entitled, Accelerated and complete Transmission of Registers.—ORDERED, That the Secretary do transmit to the Lord President of the Court of Session, the Lord Advocate, the Lord Justice Clerk, and the Lord Chief Baron, a Copy of this Part of Mr. Thomson's Report, requesting their Lordships to take the same into their

their Consideration; and, in particular, to consider whether any, and which of the Matters therein stated, are fit to be adopted, and may be regulated either by Act of Sederunt or Act of Parliament; and further requesting, that they will communicate to this Board their Opinion thereupon.

Appendix, (V. 3.) Further Measures ordered.

Article 2, entitled, Great Seal and Admiralty.—Whereupon the Board observe, That the Matters alluded to in this Part of the Report are included in the previous Orders of the Board, under Art. 1, Head I. and Art. 4, Head III.

Article 3, entitled Records of Teinds, and of Tailzies and Inventories.—RESOLVED, That it be recommended to the Lord Clerk Register to present a Petition to the Lords Commissioners of Teinds, respecting the Transfer of the Records of their Court to the General Register House, as suggested in this Part of the Report; and that a like Petition be presented to the Court of Session, respecting the Records of Tailzies and Inventories.

ALSO RESOLVED, That the Lord Clerk Register be requested to communicate to this Board the Result of the several Applications which have been suggested in the preceding Resolutions, respecting the General Register House; and that he will cause to be communicated to this Board a Duplicate of the Report of the Deputy Clerk Register annually to be made to the Court of Session, according to the Tenor of his Appointment.

(V. 4.)

Report of Proceedings in Scotland 30th November and 21st December 1807.

Conference of Law Officers in Scotland.

AT A MEETING held at the General Register House, on Monday the 30th of November 1807, for the Purpose of taking into Consideration certain Matters referred for Opinion by the Right Honourable His Majesty's Commissioners on the Public Records of the Kingdom;

PRESENT,

The Right Honourable The Lord President of the Court of Session;
The Right Honourable The Lord Advocate of Scotland;
Thomas Thomson Esquire, Advocate, Deputy Clerk Register.

Read the First Article of a Report by Mr. Thomson, touching the Register of the Great Seal, and suggesting certain Alterations on the Mode of expeding Crown Charters at present established, with the Resolutions of His Majesty's Commissioners relative thereto: RESOLVED, That the proposed Object of completing the Record of Charters and other Writs passing the Great Seal, by the Addition of the Date of sealing, would be most effectually attained by an Arrangement, that should prevent the Charter or other Writ from being put into the Hands of the private Party, until the sealing and recording thereof in its completed State should have taken place; and in this View the Meeting recommend to Mr. Thomson to take immediate Steps for bringing about such an Arrangement with the voluntary Concurrence of the Keeper of the Great Seal, and the Director of Chancery, and their respective Deputies; and, if necessary, to apply for an Act of Sederunt of the Lords of Session, for giving permanent Effect to that Arrangement: But if it should be found impracticable to establish such an Arrangement, the Meeting recommend to Mr. Thomson to prepare the Draught of an Act of Sederunt, agreeably to the Plan suggested in his Report, to be laid before the Court of Session previously to the Christmas Recess.

RESOLVED, That the general Measures proposed in the aforementioned Article of the Report, respecting the Mode of expeding Crown Charters, appear to the Meeting to be highly expedient; and they are of Opinion, that the same ought, without Delay, to be carried into Effect, under the Authority of an Act of Parliament:

RESOLVED, That the Meeting do now adjourn, and that the further Consideration of the other Articles of the said Report, referred for Opinion, be resumed at a Meeting to be held at the House of the Lord Advocate, on Monday the 21st Day of December next; and that in the meantime the preceding Resolutions be communicated by Mr. Thomson to the Lord Justice Clerk and the Lord Chief Baron.

ILAY CAMPBELL.
AR. COLQUHOUN.

APPENDIX, (V. 4.)

Conference of Law Officers in Scotland.

At an ADJOURNED MEETING, held at the House of the Right Honourable the Lord Advocate, on Monday, December 21, 1807;

PRESENT,

The Right Honourable THE LORD PRESIDENT OF THE COURT OF SESSION;
The Right Honourable THE LORD ADVOCATE OF SCOTLAND;
The Right Honourable THE LORD JUSTICE CLERK;
The Right Honourable The LORD CHIEF BARON OF THE COURT OF EXCHEQUER IN SCOTLAND;
THOMAS THOMSON, Esquire, Advocate, Deputy Clerk Register.

Read the Minutes of the Meeting held at the General Register House on Monday, November 30.—The Lord Justice Clerk and the Lord Chief Baron stated to the Meeting, that Copies of those Minutes had been duly communicated to them, and that they entirely concurred in the Resolutions there expressed.

Mr. Thomson stated, that in pursuance of the Directions of the former Meeting, he had held various Communications with the Deputy Keepers of the Great Seal, and the Deputy Directors of Chancery, for the Purpose of framing a Plan that would effectually secure against the present Defects in the Register of the Great Seal; and that in consequence of these Communications he had prepared the Draught of one Act of Sederunt, and had transmitted it to the Lord President to be laid before the Court of Session for their Consideration.—RESOLVED, That the Meeting do approve of the general Plan of the foresaid Draught; but are at the same Time of Opinion, that it may be proper to provide by Act of Parliament for the due Observance of the proposed Regulation, by some Sanction connected with the legal Validity of the Charter itself, and the subsequent Infeftment.

Read Articles 3, 4, 5, and 6, under Head I. of Mr. Thomson's Report, entitled respectively, 3. Record of Decreets in the Sheriffs' Courts; 4. Record of Deeds in the Sheriffs' Courts; 5. Record of the Sheriffs' and Borough Courts; 6. Record of Deeds in the Commissary Courts: And also the Resolutions of His Majesty's Commissioners relative thereto.

RESOLVED, First, That as a Bill has been brought into Parliament, which has for one of its Objects to introduce important Alterations in the Mode of framing and extracting the Decreets of the Courts of Justice in Scotland, supreme and subordinate, the Meeting think it expedient, as proposed in the Report, to suspend in the meantime any further Proceedings for enforcing the Observance of the existing Laws and Regulations relative to the Record of Decreets.

Secondly, That the Meeting are clearly of Opinion, as suggested in the Report, that there ought to be not more than one Registry in each County, either for recording Deeds for Execution, or for recording Probative Writs, and that in this View it would be highly expedient to suppress, by Act of Parliament, the Registries of Deeds and of Probative Writs, kept by the Clerks of Commissary Courts and of Boroughs, without any Exception even as to Deeds respecting Burgage Tenements; and that the only local Registries of Deeds and Probative Writings ought to be kept by the Sheriff's Clerks of the several Counties respectively.

Thirdly, That the Meeting do approve of the Measures proposed in the Report for controuling the Conduct of the Sheriff Clerks, as Record Officers, by frequent periodical Visitations to be made by the Sheriffs Depute respectively, and reported by them to the Judges of the Circuits, and to the Lord Clerk Register.

Fourthly, That the Meeting are further clearly of Opinion, that it would greatly tend to the Improvement of the local Registries of the several Counties, and to the Efficacy of the proposed Measures of Controul, and would in other Respects be of high public Utility, that the Right of appointing Sheriff Clerks, as well as all other Clerks in the Civil and Criminal Courts of Scotland, should in future remain exclusively with the Crown, (making suitable pecuniary Compensation to the Individuals to whom such Right may at present belong), and that effectual Measures should be taken to enforce the Residence and Activity of all principal Clerks, and to prevent the Sale of the subordinate Offices to which they may at present have the Right of Appointment.

Read, Article 1. under Head IV. of Mr. Thomson's Report, relative to the more frequent and speedy transmission of the Public Records to the General Register House, and the Resolutions of His Majesty's Commissioners relative thereto:

RESOLVED, That the Meeting do entirely approve of the Measures proposed in this Article of the Report, and are of Opinion, that as the present Arrangements are founded chiefly on Statute, and as any Change in those Arrangements might make it necessary to provide suitable Compensation to the present Keepers of the several Records, it becomes expedient to introduce and establish such Change by Act of Parliament:

RESOLVED, That Mr. Thomson be requested to transmit the Minutes of this and of the former Meeting to the Secretary to His Majesty's Commissioners on the Public Records, to be laid before them, as containing the Opinion of this Meeting on the several Matters that have been referred to them for their joint Consideration.

ILAY CAMPBELL.
AR. COLQUHOUN.
C. HOPE.
R. DUNDAS.

Appendix (W. 1.)

Royal Warrant for appointing the Deputy Clerk Register in Scotland.

GEORGE *R.*

Appointment of Deputy Clerk Register.

OUR Sovereign Lord ordains Letters to be passed under the Privy Seal of Scotland, in the Words and to the Effect following: George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and so forth, To the Commissioners of Our Treasury now being, and to Our High Treasurer or Commissioners of Our Treasury for the Time being, and to the Chief Baron, and the Rest of the Barons of Our Court of Exchequer in Scotland, now or for the Time being, and to all others to whom these Presents may come or may appertain, Greeting: Whereas the Commissioners of Our Treasury have laid before Us a Memorial presented to them by Our trusty and well-beloved Frederick Campbell, commonly called Lord Frederick Campbell, Our Clerk Register of Scotland, stating, that the Office of Clerk Register is one of great Trust and Importance, concerning not only the Formation, but the Preservation of the Public Muniments of Scotland, which comprehend the Records of Parliament, of the Great Seal, of the Privy Seal, and innumerable other Records; and that the Superintendance of the Matters arising within this Office, should be confined to a Deputy of acknowledged Skill and Ability, being a resident Advocate of the Scottish Bar, of undoubted Learning, tried Merit, and considerable Standing, to whom all other Persons employed in the said Office should be answerable for the due Performance of the several Duties intrusted to them therein: And We being graciously disposed to testify Our Royal Favour to that Our ancient Kingdom; and it appearing to Us just and reasonable, that suitable Provision should be made for a Person to be resident in Edinburgh, duly qualified by his Education and Studies, being an Advocate of the Scottish Bar, of undoubted Learning, tried Merit, and considerable Standing, who should act as Deputy to Our Clerk Register now or for the Time being, in exercising such Superintendance and Controul, with regard to all Matters within the Authority of the Office, as the Clerk Register shall delegate to him by a Commission for that Purpose: Our Will and Pleasure therefore is, and We do hereby direct, authorize, and command you, or such of you, to whom it may appertain, to issue and pay, or cause to be issued and paid, out of any of Our Revenues arising in Scotland, applicable to the Payment of the Fees and Salaries for keeping up the Courts of Session, Justiciary, and Exchequer there, unto such Person as shall or may be appointed by the said Frederick Campbell, commonly called Lord Frederick Campbell, Our Clerk Register, or by Our Clerk Register of Scotland for the Time being, the yearly Salary of £500, to commence from the 5th Day of April last, and to be paid by the Day to the next quarterly Day of Payment, and from thenceforth to be payable and paid quarterly, at the Four most usual Days of Payment in the Year, by even and equal Portions, so long as the Deputy appointed or to be appointed by Our Clerk Register now or for the Time being shall continue duly to demean himself in the Exercise of the said Office: And We do hereby charge and command you, or such of you to whom it may appertain, to cause the said Salary, and all Payments to be made thereon, as they shall from Time to Time become due and payable, to be inserted in the Quarterly Establishment for the Civil Affairs of Scotland, so as the Sums to be inserted therein may be allowed and paid from Time to Time, in like Manner as other the Salaries and Allowances on the said Establishment are paid: And We do hereby strictly charge and command the Person who shall or may be appointed Deputy to Our Clerk Register now or for the Time being, to observe, follow, and obey all such Orders, Directions, and Instructions, as shall be contained in any Deputation that may be granted, or that he shall receive from Our Clerk Register now or for the Time being: And these Our Letters shall be your sufficient Warrant; and these Presents shall be to the Writer of the said Seal for Writing the same, and to the Keeper of the said Seal for causing the same to be appended thereto, a sufficient Warrant. Given at Our Court at St. James's, this Nineteenth Day of June, One thousand eight hundred and six Years, in the Forty-sixth Year of Our Reign.

By His Majesty's Command,

GRENVILLE.
ALTHORP.
J. COURTENAY.

Commission, &c. consequent upon the Royal Warrant.

APPENDIX, (W. 1.)

Appointment of Deputy Clerk Register.

BE it known to all Men by these Presents, That I, the Right Honourable Frederick Campbell, commonly called Lord Frederick Campbell, Clerk Register for Scotland, Forasmuch as His Majesty, by a Warrant under his Royal Sign Manual, dated at the Court at St. James's, the Nineteenth Day of this instant Month of June, has been graciously pleased to signify His Royal Will, that a suitable Provision should be made for a Person to be resident in Edinburgh, duly qualified by his Education and Studies, being an Advocate of the Scottish Bar, of undoubted Learning, tried Merit, and considerable Standing, who should act as Deputy to His Majesty's Clerk Register, now or for the Time being, in exercising such Superintendance and Control, with regard to all Matters within the Authority of the said Office, as the Clerk Register should delegate to him by a Commission for that Purpose; and therefore, to direct, authorise, and command the Lords Commissioners of the Treasury, and all others to whom it may appertain, to issue and pay, or cause to be issued and paid (in the Manner therein specified) unto such Person as shall or may be appointed by me, the said Frederick Campbell, commonly called Lord Frederick Campbell, His Majesty's Clerk Register, or by His Majesty's Clerk Register of Scotland for the Time being, the yearly Salary of Five hundred Pounds, to commence from the Fifth Day of April last, and to be paid by the Day to the next quarterly Day of Payment, and from thenceforth to be payable and paid quarterly at the four most usual Days of Payment in the Year, by even and equal Portions, so long as the Deputy so to be appointed shall continue duly to demean himself in the Exercise of the said Office, as the said Warrant more fully bears: Have therefore, in pursuance of His Majesty's Royal Will and Pleasure, and being well assured of the Learning, Abilities, Diligence, and Discretion of Thomas Thomson, Esquire, the said Thomas Thomson being an Advocate of the Scottish Bar of Ten Years Standing, and upwards, nominated and appointed, as by these Presents, I for Myself and my Successors in the Office of Clerk Register, do nominate and appoint the said Thomas Thomson, Esquire, Advocate, to the Office aforesaid, under the Title and Description of Deputy Clerk Register: Granting to the said Thomas Thomson, full Right, Power, and Authority, to exercise a full Superintendence and Control over all other Deputies, Keepers, and Officers within the Office and Department of His Majesty's Clerk Register; and in general to exercise and carry into Effect all and every the Powers and Authority which are by Law vested in the Clerk Register, and that so long as he shall continue duly to demean himself in the Exercise of the said Office of Deputy Clerk Register: And whereas in the Formation, Custody, and Transmission (where required by Law) of the Records in the numerous subordinate and other Registers in Scotland, within the Department and Superintendance of the Clerk Register, certain Irregularities have for a long Time been found to prevail; I do hereby further direct and require the said Thomas Thomson, Esquire, as Deputy Clerk Register aforesaid, within a reasonable Time from the Date of these Presents, to prepare for my Approbation and Allowance, proper Regulations for the Formation, Custody, and Transmission (where required by Law) of all Records and Registers aforesaid, in the view of preventing all those Irregularities and Defects which have heretofore prevailed, and of insuring an Uniformity of Practice in those Matters in future; and such Regulations having been by me approved, and authorised, if necessary, by the Lords of Council and Session, that the said Deputy Clerk Register shall carefully enforce the due and faithful Observance of the same, by all Deputies, Keepers, and Officers within the said Department of the Clerk Register: And I do hereby further direct and require, that the said Thomas Thomson, Esquire, as Deputy Clerk Register aforesaid, shall, in the Month of December in every Year, prepare Report of his Proceedings in the Exercise of the said Office during the preceding Year; and that he do transmit the said Report to the Clerk Register for the Time being, with a Duplicate of the same, to be by him communicated to the Lords of Council and Session, for their Information: And I do hereby beseech the Lords of Council and Session to admit and receive the said Thomas Thomson Esquire, to the foresaid Office, and take his Oath *de fideli*, and Oaths required by Law. And I hereby consent that these Presents be registered for Conservation in the Books of Council and Session, for which Effect I constitute my Procurators: In Witness whereof, I have subscribed these Presents (written on this and the Two preceding Pages of stamped Paper, by David Caldwel of Golden Square, in the Liberty of Westminster, Gentleman) at London, the Thirtieth Day of June, in the Year of our Lord One thousand eight hundred and six, before these Witnesses, The Right Honourable Charles Abbot, Speaker of The Honourable The House of Commons, and The Right Honourable Sylvester Lord Glenbervie, of the Kingdom of Ireland.

FRED. CAMPBELL.

CHARLES ABBOT, Witness.
GLENBERVIE, Witness.

(W. 2.)

The First Annual Report of The Deputy Clerk Register of Scotland.—1807.

To the Right Honourable Lord Frederick Campbell, Lord Clerk Register.

Appendix, (W. 2.) First Annual Report of Deputy Clerk Register, 1807.

IN the View of accomplishing the important Objects that had been proposed, in establishing the Office of Deputy Clerk Register, and of following out with Success the Instructions contained in the Commission by which your Lordship had been pleased to appoint me to that Office, I have held it to be my Duty, in the first Instance, to employ a considerable Portion of Time in preparatory Enquiry and Observation. This Mode of Proceeding will, I trust, be thought by your Lordship to be calculated the most effectually to accelerate the final Establishment of a regular and improved System; and in the First Annual Report, which I have the Honour of now presenting to your Lordship, you will expect, not so much an Account of Measures actually completed, as a general View of those Circumstances in the State of the Public Records of Scotland, which have appeared to call for particular Attention and Interference.

On a general Survey of the various Departments of our Public Records, one of the most striking Peculiarities which presents itself is the Systematic Unity and Connexion which prevail in this Part of the National Establishments. In Scotland, as in every other Country, the original Formation of the several Sorts of Public Record, whether of a more general or of a local Description, is necessarily entrusted to a Multitude of Individuals, in a great Measure unconnected with one another; but in consequence of Arrangements, partly accidental, and partly the Result of a sagacious and provident Policy, all, or nearly all of these Individuals, have been subjected, more or less immediately, to the superintending Vigilance and Controul of one high Officer of State, whose Authority and Influence were meant to pervade every Department, and thus to bind together the whole in a connected and vigorous System. It would be foreign to the practical Purposes of this Report to trace the Origin and History of the Office of Lord Clerk Register, or to enter into a Statement and Exposition of the Statutes and Usages by which his official Powers and Authority have been gradually moulded into their present Form. It is of more immediate Importance to point out the principal Means by which his superintending Influence was meant to operate, and on which his Usefulness as a great Public Officer was chiefly to depend. To the general and leading Principles of the System, which will thus be brought into View, I shall have Occasion to refer in the Course of those Details, into which I must afterwards enter.

Looking to the Law of the Land, and keeping out of View some partial or recent Irregularities of it, it may be stated in general Terms, that of all those Records, known under the Description of the Public Records of the Kingdom, the Lord Clerk Register is by the Constitution of his Office the proper Keeper; and the Repository in which these are preserved is peculiarly and emphatically styled His Majesty's General Register House. Of many of the more ancient Records there deposited, the Clerks Register, or their immediate Deputies, were themselves the original Framers; but in consequence of gradual, and in my humble Opinion very fortunate and wholesome Changes in the Constitution and Patronage of the Office, the Lord Clerk Register has almost entirely ceased to be himself the original Framer of any Public Record, either in Person or by Deputy; and the practical Duties of his Department have now come to be exclusively those of Custody and of Controul. Of the direct and obvious Utility of one great central Place of Custody, accessible at all Times to the Searches of Individuals, it would here be superfluous to say any Thing, as on no one Point in the Policy of Scottish Records are Opinions more completely fixed and agreed; and it may be stated with Confidence, that the existing Deviations from this general Plan of Custody, unless when justified by Considerations of local Conveniency, or by some Peculiarities of official Arrangement, ought to be regarded as so many unfortunate Defects or illegal Departures from the general Principles of the System.

But it is to the more indirect Effects of this Plan of Custody that I would here more anxiously allude, as constituting in Truth the great Machinery by which the official Superintendence and Controul of the Lord Clerk Register were to operate. Independently altogether of the Advantages of greater Security and more easy Access, derived from assembling into one central Repository the Records that have been framed in a vast Number of detached and scattered Offices, it appears to have been regarded in Scotland as a very important practical Principle, that the Formation and the Custody of a Record should not belong to the same Officer, but that these two Duties should be separated, as far as the particular Nature of the different Records renders such a Separation practicable. By this Separation of Duties an obvious Remedy is provided for those Inaccuracies and Defects which but too often find their way into the Formation of all Public Records, and which are in no way so sure of Detection as by a Transference of the Record itself into the Custody of a different Public Officer, whose Situation may be presumed to exempt him from those baneful Partialities and Sympathies for the Delinquent which are too apt to be an Overmatch for general Considerations of Public Duty.

Appendix, (W. 2.)

First Annual Report of Deputy Clerk Register, 07.

The Transmission of the Public Records to His Majesty's General Register House, and the consequent Separation of the Duties of Custody from those of original Formation, is accomplished in two different Ways. Certain Classes of Records are transmitted to that Repository periodically, while other Classes are brought back to it by the Operation of MARKING, and issuing the Books in which exclusively such Records must be written.

In the former of these Classes, comprehending the various Records of the Court of Session, of Chancery, &c. the Period of Transmission has not always been the same; but, above a Century ago, it was fixed by a Scottish Statute at Ten Years; and by a palpable Stretch it has not been unusual, in various Instances, to protract the Period of Transmission to almost double its legal Endurance. Without stopping to remark on the Irregularity of Transmission here alluded to, I have no Hesitation in stating it as my clear and decided Opinion, that even the legal Period of Ten Years from the Formation of a Record is a great deal too remote to answer the great and invaluable Purposes of Controul. The Anxiety of the Officers by whom Public Records are framed, to intercept some small Portion of those Emoluments which are derived from the Custody of them, has unhappily co-operated with their Desire to escape from the Consequences of more immediate Inspection; and the Result has been a regular and strenuous Effort to counteract the general Arrangements for the Security and easy Accessibility, as well as for the Accuracy and Fidelity of this Class of the Public Records of the Kingdom. To put an end, as far as may be, to the Abuses which have thus arisen, I am humbly of Opinion, that the Principle of Separation, so often alluded to, ought to be carried to its utmost practical Limit, and that each successive Volume of such Records should be legally transmissible to His Majesty's General Register House as soon as it has been completed.

In the other Class of Public Records above mentioned, this immediate Transmission is the necessary Consequence of the Process of MARKING; and if this rapid Transmission has not always secured the Accuracy or faithful Execution of such Records, it must have been owing to some partial Cause, quite unconnected with the general Excellence of the System. In addition to the Advantages of immediate Transmission, this Process of Marking the Books in which the Records are to be written, may obviously be made subservient to others of high Importance, which seem to me to point it out as deserving of Extension to almost all the other Classes of the Public Records. Not to mention that Security against Mutilation and Interpolation, which appears to have been the primary Purpose of Marking, it may evidently be made the Means of securing the Uniformity and good Quality of the Books of Record in a Degree that never can be attained, if the Choice of Materials is left to the interested Discretion of the numberless subordinate Officers by whom the Records are to be framed. But if the Books of Records were all to issue from the great central Repository; if all Temptations to the Use of Books of inferior Quality were taken away, by allowing the Officer in that Department to charge no more than the original Cost; and if, above all, a Paper peculiarly suited for Public Records were manufactured and established by the Sanction of proper Authority, I am sanguine enough to think that the good Consequences would be equally speedy and permanent.

Few of these very general Observations may have any Novelty; but I must repeat, that I have here stated them in this formal Manner, because in the following Details I must recur to them, as explaining or justifying the Measures that I may be led to suggest. I have now only to add, that in those Reports and Communications, which I have had Occasion to submit to His Majesty's Commissioners on the Public Records of the Kingdom, some of the same Statements and Suggestions have been incidentally offered; and I have the Satisfaction of adding, that in the Return made by the Great Officers of the Law to His Majesty's Commissioners, on the several Matters referred to them for Opinion, the most important of those Suggestions have been fully approved of.

In considering the several Branches of the Public Records, it will be found convenient to separate them into those of a General and those of a Local Kind; comprehending in the latter Class those which have a Reference to particular Districts, and which are not only framed, but also preserved within those Districts. Those Records which have been framed in reference to a particular District, but which are afterwards transmissible to His Majesty's General Register House, shall be considered as belonging to the former Class.

I. In considering what relates to the General Records of the Kingdom, I shall advert, in the first Place, to those which are already completed; and, in the Second Place, to those which are now in Progress, and for the better Regulation of which Provision may yet be made. Without attempting to exhaust the Subject, I shall content myself with touching on a few of those Particulars that have appeared to me to call for more immediate Attention and Interference.

1. The Loss or Destruction of many of the more ancient and valuable Records of Scotland, makes it so much the more an Object of Importance, that all of them which yet remain should be carefully collected and deposited in their proper Place in the national Archives. It is not a great deal, perhaps, that can now be done in this Respect; but even that ought not to be neglected.

(1.) The

(1.) The Records of the Privy Council of Scotland, subsequent to the Year 1644, appear to have remained at the Union in 1707, in the Custody of the Clerks, who were Deputies of the Lord Register; and from that Æra down to the Year 1729, they seem to have been in the private Custody of one of those Clerks, or rather of his Family; when a Warrant under His Majesty's Sign Manual was obtained for their Transmission to the Office of the present Court of Justiciary, instead of the General Register House, where the preceding Volumes were preserved, and where, according to the Consitution of the Office of Clerk Register, the Whole ought unquestionably to have been deposited. As I conceive it to be within the Powers of His Majesty's Commissioners on the Public Records, so I humbly apprehend that it would be a fit Exercise of their Discretion, to direct that the Books of Privy Council now in the Justiciary Office should be immediately transferred to the General Repository. I am the more anxious to urge the speedy Execution of this Measure on account of the other Measures already begun for repairing and rebinding the decayed Records, and for including the Whole in a General Repertory.

(2.) The Records of the old Court of Exchequer, from 1659 to the Institution of the present Court in 1707, together with some of earlier Date, have hitherto remained in the Custody of the Clerks and Officers of the new Court, instead of being transmitted to the General Register House, to complete the Series that is there deposited. I have reason to believe, that on an Application to the Barons of Exchequer, in your Lordship's Name, an Order will be granted for the immediate Transmission of all these Records. Some of them I know to be of great Importance to the Illustration of Scottish Consitutional History; and their Value in that Respect cannot fail to be encreased by restoring them to their proper Place among the Public Records of the Kingdom.

(3.) Owing to some accidental Cause, which it is not of any Importance to trace, the Books of Sederunt of the Court of Session from the Year 1553 down to the present Day, had not been deposited in the General Register House, and had long remained in an insecure Place contiguous to the present Court Room, where they were not under the Custody of any responsible Officer. To rescue this important Record from the Risks to which it was thus exposed, and to secure its future Transmission to the proper Repository, a Petition was presented in your Lordship's Name to the Court, on which an Order was granted, to authorise the Clerks to deliver the Volumes already completed to the Deputy Keepers of Records, and to transmit the successive Volumes in future, as soon as completed, and not immediately necessary for the Business of the Court.

(4.) The General Minute Book of the Court of Session was in a Situation nearly similar; but in consequence of a Petition in your Lordship's Name, the Volumes which were extant have been deposited in the General Register House; and all the future Volumes will in like Manner be annually transmitted.

(5.) The Record of Retours of Services is one of those that never has been transmitted to the General Register House; but I am humbly of Opinion that it ought to be so transmitted; and I am greatly mistaken if the State of many, of at least the older Volumes of this Record, do not afford Illustrations of the Consequences which attend the Union of the Duties of Formation and of Custody.

(6.) As the present Situation of the Records of the Teind Court, and of the Registers of Tailzies and of Inventories, has already attracted the Attention of His Majesty's Commissioners on the Public Records, I need only say at present, that, in the view of some Legislative Measures for new modelling the Commission of Teinds, it has appeared expedient to delay any Application respecting the Records of that Court; and that with respect to the Transmission of the Registers of Tailzies and of Inventories, a Petition in your Lordship's Name has been prepared and communicated to the Lord President, and that of the favourable Result of the Application there can be no Doubt.

2. On the general State of the Records now deposited in the General Register House, I have been led to bestow particular Attention. Many of the most ancient and valuable are, unhappily, in a State of great Decay; and of this Fact your Lordship has been already apprized, by my Report to His Majesty's Commissioners in April last. Without immediate Interference on the Part of the Commissioners, it is evident that the ordinary Funds of the Establishment would have been altogether inadequate to the practicable Reparation of the Evil; and I regard it as an Event of the highest Importance to the future Preservation of our Records, that His Majesty's Commissioners have been pleased to direct the immediate Rebinding of the decayed Volumes. The Operations for this Purpose are already commenced, and promise the happiest Consequences. Among the Records which must undergo this Process, I reckon those of Parliament, of the Lords of Council, of Privy Council, of the Great and Privy Seals, with many others.

3. On the Arrangement and Disposition of the several Records in the present Repository, I have scarcely any Thing to observe; it is in general perfectly correct and judicious; and any Alterations that have appeared to be adviseable are Matter of minute Detail, on which it would be superfluous here to enlarge. In considering the mere Arrangement of the several Branches of the Public Records, it is impossible to avoid observing and lamenting the enormous and unwieldy Bulk of the Records of the Court of Session, which, on their present Scale, would, within no very long Period, completely fill the spacious Apartments of the General Register House.

Appendix, (W. 2.)
First Annual Report of Deputy Clerk Register, 1807.

4. As being intimately connected with the Arrangement, I may next advert to the Want which has been long felt, of a General Repertory of the multifarious Contents of the Register House. On this Subject I have had Occasion to enter pretty fully in my Report to the Commissioners already alluded to; and it may here be sufficient to state, that, in pursuance of their Orders, the Compilation of a Repertory has been begun, and that there is a Prospect of its Completion within the next Year, in so far as regards the Volumes or Books of Record. The Repertory of the Bundles or Warrants will be much more laborious, and may probably occupy somewhat longer Time; but its Necessity is too obvious to be questioned.

5. Even the General Repertory now in Progress will be found, I trust, very greatly to aid the Researches of Individuals; but with respect to the more important and extensive among the Public Records, something more is strongly called for; nor can their Accessibility and real Usefulness to the Public, ever reach that Point which is obviously attainable, until more detailed Abridgments and Indexes have been compiled and published. The Abridgment of the Record of Retours, now in Progress, and for which we are indebted to His Majesty's Commissioners, will in this Manner lay open to the Public a voluminous Register, in which it was previously impossible to discover any Thing without a most expensive, irksome, and very uncertain Research. An Abridgment of the Record of Charters or the Register of the Great Seal, as to which I have also received the Orders of the Commissioners, will in like Manner prove of incalculable Utility; and it is therefore with peculiar Anxiety that I have been in Search of a Person properly qualified for the Task. A similar Index to the Register of the Privy Seal will be a Work of less Difficulty, but at the same Time of great Curiosity and Utility. But with a View to very general Advantage, the most important subsidiary Compilations would be, periodical Indexes to the great Registers of Deeds and of Seisins. To carry these back to the Commencement of the respective Records would be a most Herculean Labour; but with respect to the future, and to a moderate Period of Twenty or even Forty Years back, I should think the Undertaking highly expedient, as well as easily practicable. The Waste of Labour and of Expence that would thus be saved to Individuals, is almost incredible; and until such a Plan shall be accomplished, I am confident all the Labour and Expence usually bestowed on such Researches will not protect Individuals from the Risk of serious Injury. But the Subject demands a separate Discussion, more detailed than can well enter into the present Report. In so far as relates to future Records, I shall have Occasion to resume the Consideration of it in the Sequel.

6. Connected with the Accessibility, and consequent Usefulness of the Public Records, there is another Matter which strikes me as of high Importance. It is known to your Lordship, that for every Book of Record inspected by an Individual, a Fee of not less than Five Shillings is exigible; and that from these Fees arises a main Source of Emolument to the Deputy Keepers of Records. Were there Indexes at Hand to point with Certainty the Volumes wanted, the Expence of a Search would seldom be so formidable as to prevent an Individual from making it; but from the want of such Indexes, it is obvious that the Expence must often be felt heavily even by the Rich, and may go far altogether to prevent the Applications of others. As the Interests and Avocations of the Keepers of Public Records can hardly be expected to prompt them to the Compilation of Repertories or Indexes for the Use of the Public, and as that Interest must be in some Degree at Variance with their great Duty of facilitating the Researches of Individuals, it appears to be a Matter of evident Expediency, that the Keepers should derive a considerable Proportion of their Income, not less perhaps than Two-thirds, from Salary; and that the ordinary Fees exigible from Individuals for the Use of the Records should be reduced, as far as is consistent with the Prevention of idle or vexatious Applications. Were such an Arrangement to take place, and were the Advantages of it combined with those I have previously suggested, particularly as to the Compilation of Indexes to the more voluminous Records, as much would be done for the Accommodation of the Public, in this important Branch of its Concerns, as seems to be consistent with an Establishment of this Nature.

Leaving the Consideration of what respects the Public Records which are already completed, I now proceed to speak of those which are in Progress, and for the better Regulation of which it is not yet too late to make Provision. The Subject is of great Extent and Difficulty; but I shall endeavour to compress my Observations under a few general Heads.

In the Outset I have to observe, with Regret, that all the Records of the present Day, with scarcely any Exception, are in a Hand-writing which, even now, must be accounted very indifferent; and which, in the Course of a Century, will become nearly illegible; that the Materials on which they are written are of inferior Quality, and without Uniformity; that the Ink is rarely of a durable Quality; and that the Binding is usually of the meanest and most perishable Kind.

Among the Causes of the very slovenly and illegible Writing of the principal Records, must be reckoned the enormous Quantity which is to be executed, and the very low Rate at which it is paid. While the principal Officers whose Duty of Direction and Superintendance may in general be regarded as a Sinecure, derive a regular Emolument, which is in general more than sufficient to afford the Means of executing their respective Records in the most perfect Manner, the operative Hands are hired at the ordinary, often the lowest Rate of the Market, without sufficient Regard to their Qualifications: and for this Abuse, which no one will presume to deny, it seems to be reckoned a sufficient Apology, that what is now paid to Writing Clerks exceeds the Rate of some former Period, not perhaps very remote; and that any higher Rate would be a hard and unreasonable Diminution of the customary

customary Emoluments of the Office. How far a Change of Circumstances might not, in various Instances, justify the Imposition of a higher Rate of Payment on the Public, I shall not here inquire; but no Principle seems to me more evident or sacred, than that a Record Officer cannot, without a Breach of Duty, relieve himself, in any Degree, from the Pressure of a Change of Circumstances, by lowering the Quality of the Record entrusted to his Care. From Experience, however, it would seem to be too much to expect that Public Records should not fluctuate in Quality with the Price that is paid for them; and the Evil is one that can be remedied or prevented only by the Establishment of a fixed Standard.

With respect to the Paper or other Material on which the Public Records are written, such a Measure is easily practicable; and in that View, accordingly, your Lordship has already taken Measures for the Manufacture of Paper of the best possible Quality, and of an uniform Standard in all Respects. In those Records which undergo the Process of Marking, and of which the Books must therefore issue from the General Register House, it is obviously within the Powers of the Lord Clerk Register to enforce the exclusive Use of that Paper. As to those Records, on the other Hand, which are periodically transmissible, or which are not transmitted at all, I persuade myself that the Court of Session will perceive the Propriety and Utility of extending the same Measure, either by ordering the Use of the Standard Paper, under a Penalty, or by directing that such Records shall in future be written in Books issued from the General Register House.

But in the Regulation of the Writing of Records, the Difficulties are much more arduous. As to those extreme Cases which have occurred in very great Number within the last Twenty Years, there ought to have been no Hesitation in requiring the Keepers to replace the Books with others of better Quality; and a few Examples of just and unrelenting Severity would have been probably attended with wholesome Effects. But after all that may be done in this Way, much will still remain to bring up the Public Records of Scotland to that Standard which their intrinsic Importance plainly prescribes. I do not profess to have formed very decided Opinions on the Subject; but I may, in the first Place, observe, that it appears to me equally unsafe as unnecessary to leave it entirely in the Discretion of the Sinecure Keeper of a Public Record to employ any Person whatever, whom Chance may throw in his Way, as the operative Framer of that Record. On the contrary, it rather appears to me to be expedient that nobody should be employed in that Capacity who has not undergone a certain Discipline and Probation, of which the Lord Clerk Register and Deputy Clerk Register should have the Care and Superindendance, under the Controul of the Court of Session. In the second Place, it appears to me indispensable, that the Rate of Payment should, in all Cases, be such as to secure the Labour of the best and most faithful Hands. Without this, all general Rules must soon become a dead Letter; and, without anticipating the particular Inquiries which each Case would require for ascertaining how far the present Fees and Emoluments are adequate to this increased Expence, I must be of Opinion, from past Experience, that the Rate of Payment would be most unsafely trusted to the principal Keepers of Records. But the Details of such a Plan would require an Expansion much beyond the Limits of this Report; and at present it has been my Wish only to bring the Matter very generally under your Lordship's Notice.

Having made these few general Observations on the Formation of modern Records, I will now direct your Lordship's Attention to some of them in particular. In enumerating these, I shall not be studious of any very nice or systematic Arrangement.

I. The Records of the Court of Session seem, on various Accounts, to demand our first Attention. These Records (in so far as concerns my present Purpose) may be divided into those of Judicial Proceedings, and those of Deeds and Probative Writings, registered either for Execution or for Preservation.

First, as to the Records of Judicial Proceedings, it is well known that the written Pleadings in Civil Actions are now become excessively voluminous; that all of these are, on the Termination of the Suit, again transcribed or recorded in the Form of what is called a Decreet; that a Duplicate of this Decreet is made and given to the successful Party; and that these Records, together with the original Proceedings, &c. as their Warrants, are periodically transmitted to the General Register House. Of this Description there is now an annual Influx of at least Thirty-six enormous Volumes, with their relative Warrants. It seems now agreed on all Hands, that this is a public Nuisance, which must at all Events be abated; but it is a Matter of great Difficulty to determine what ought to come in its place. Taking it for granted that the Mode of arguing Causes in written Pleadings is to be continued, at least to a considerable Extent, it humbly appears to me, that as an Arrangement of absolute Necessity, there ought to be a Separation of the Record of a Civil Process into two Parts; the one of which may be called the primary or principal Record, the other the secondary or extraneous. In the first should be included the original Writ by which the Action is brought, the original Plea in Defence, and the Interlocutors and Judgments of the Court, all in due Order. These ought to be contained in one Series of Sheets of Paper; they ought to remain constantly in the Hands of the Clerk of the Court; and to prevent the Necessity of "borrowing" these Originals, there ought to be a Duplicate of the Interlocutors and Judgment for the use of the Parties. Every one who has seen the original Record of a Suit in the Court of Session, will at once be aware of the Reasons that have induced me to make this Separation of the primary Grounds and actual Proceedings of the Court, and to suggest that they ought not to be subject to the Injuries which the System of "borrowing" necessarily carries along with it.

APPENDIX, (W. 2.)

First Annual Report of Deputy Clerk Register, 1807.

it. The extraneous Part of the Record would of course consist of the written Pleadings of the Parties, and of the Documentary or Parol Evidence that might be exhibited by them; and, were it not for the Expence attending such a Measure, I should think it expedient, that this Part of the Process also should remain always in the Hands of the Clerk, without being "borrowed" by the Parties. At the Termination of a Suit, it would be sufficient to give to the successful Party a Decreet in due Form, digested from the Materials of the primary Record, having perhaps annexed to it a Schedule or Inventory of the Papers contained in the extraneous Record. Of neither of these, however, ought any new Record to be made for Preservation; but the Originals ought to be bound up in regular Volumes, and preserved in the same Manner with the present Record of Decreets. In this View it would be expedient, as indeed in itself it seems highly proper, that the Whole should at first be written on Paper of the same Standard; and as to those Pleadings that are printed for the Use of the Judges, a very economical Improvement might easily be introduced. At present, it is the Practice to make written Copies of those printed Papers, for the Purpose of being lodged with the Clerk, as the authoritative Originals of the former. These are executed in the most slovenly, often in the most shamefully unfaithful Manner, and are in Truth of no Use whatever but to warrant a very heavy Charge against the Party. To remedy these Evils, let one Impression of every printed Pleading be made on Paper of the same Quality and Size with the other written Records of the Court, and with the written Signature of the Counsel, let this be received as an original and authoritative Record. The Expence thus saved to Litigants in the Court of Session would be very considerable, not less, I believe, than Two thousand Pounds a-Year; and in all Respects the Advantages are obvious. I have Reason to believe that this Suggestion will be proposed by the Lord President to the Court for their immediate Adoption.

The Second Class of Records are those commonly called the Books of Council and Session, in which are engrossed all Deeds or Instruments presented in virtue of a Clause of Registration, as well as all Probative Writings recorded for Preservation, In the Reign of Charles II. there were Three Principal Clerks of Session; and in order to equalize the Emoluments of Registration, a Plan was then adopted of keeping, each of them, a separate Register. The same Method has been perpetuated to the present Day; and in this Manner Three distinct Series of Registers are compiled, in any One of which indiscriminately the same Deed may be competently recorded. To increase and complicate the Evil, it has always been the Practice to keep only one Series of Books in each of the Three Offices, and thus to blend together, without Discrimination, all the multifarious Kinds of Writings that may be presented for Registration. The Trouble and Expence of a Search for a Deed of a particular Description, are in this Way multiplied in a high Ratio, while the Execution of the Record is obviously injured by this unmeaning Subdivision.

To remedy these Inconveniences, and to place the whole on a simple and rational Footing, I would humbly propose to consolidate the Three Records into One, to be placed under the immediate Superintendance of an Officer of tried Fidelity and Experience; but that of this Record there should be a Subdivision into Two or more Series, according to the Nature and Description of the Writings recorded. In the First Instance, it is obvious, on the slightest Examination of those Records, that Protests, which are numerous and of a marked Class, ought to be separated from Deeds and Probative Writings, and to be entered on a particular Series of Books. Among Deeds and Probative Writings, some further Subdivision seems also practicable; but, after much Deliberation, I still remain doubtful whether any such would on the Whole be expedient, or what it ought to be. The Expediency of the general Plan cannot, I think, be seriously disputed; and the Execution of it is rendered peculiarly easy from the Method now followed by the Clerks, of throwing the Emoluments of the Three Offices into One Sum, to be divided equally among them all. No Sort of Compensation would be requisite, and the Court of Session itself would be fully competent to the Regulation of the Business.

I have only to add, in Reference to both Classes of the Records of the Court of Session, that they ought to be transmissible to the General Register House as soon as the several Volumes are completed; and with respect to the Register of Deeds, &c. it would be expedient that it were written in Books of the Standard Quality; though not perhaps subjected to the Process of Marking.

2. The Records framed in Chancery, including the Register of the Great Seal, and of the Seal of the Prince of Wales, and the Record of Retours of Services, are all of prime Importance.

First, As to the Register of the Great Seal, and of the Prince's Seal, a Defect had long prevailed, which has had the consequence of depriving them of legal Authority. This has been fully explained in my Report of last April; and from the late Proceedings of the Lord President, Lord Advocate, Lord Chief Baron, and Lord Justice Clerk, to whom that Part of the Report was referred for Opinion, and which will be communicated to your Lordship, I presume that the Draft of an Act of Sederunt, submitted to their Consideration, will be adopted without Delay by the Court of Session. On the ulterior Plan of simplifying the Process of expeding Writs which pass the Great Seal, and of preserving the original Warrants of these Writs in the same Repository with the relative Record of them; I shall also here refrain from repeating what I have formerly submitted to His Majesty's Commissioners. At present, I am desirous of directing your Lordship's Attention to the Mode in which that Register has for many Years been written, and which appears to be unsuited to its high Dignity and Importance among the Records of Scotland. It is written on Vellum of very coarse Texture; and the Writing is inelegantly, and, I fear, not very accurately executed. The Proportion of Emoluments set apart for defraying the Expence

of it is, I understand, very scanty and inadequate; and till a new and proper Arrangement on that Head is made, either by adding a small additional Fee for that Purpose, or by detaching a larger Proportion of the present Emoluments, no Regulation can be on the Subject effectual.

The Record of Charters, under the Prince's Seal, is in Circumstances nearly similar, and ought to be comprehended in any new Arrangement that shall be made.

The Record of Retours, as already mentioned, has never been transmissible to the General Register House. This, for the general Reasons formerly stated, I must regard as a Defect in the System; and I am of Opinion that it ought in this Respect to be put on the Footing of those Records that are subjected to the Operation of Marking. This may probably require Legislative Authority.

3. The Register of Writs which are completed by passing the Privy Seal, has at different Periods been kept in a very slovenly and irregular manner. At present there is, I believe, much less to complain of; yet I am of Opinion, that it ought to be included with the Arrangements that may be requisite for the Improvement of the Register of the Great Seal.

4. The Records of the Bill Chamber;—those particularly which regard the Process of Adjudication, seem to be in considerable Confusion, and to call for several new Arrangements. I have directed the Clerks to make a Report on several Points; and when I have received it, and have made what further Inquiries seem necessary, I shall submit the Result to your Lordship.

5. The Registers of Seisins, transmissible by means of Marking, have recently attracted so much of your Lordship's Attention, that but little Explanation is here requisite. From the Irregularity which had long prevailed in the General Seisin Office of entering the Record on Books not marked, and from some other accidental Causes, the Execution of it has for many Years past been in a very degraded State; and from this State, nothing could have tended more speedily to retrieve it, than the Measure adopted by your Lordship, of giving out Books marked with Lines and Margins, for regulating the Quantity of Manuscript to be introduced on each Page. From the few Books already returned since the Date of this new Plan, the best Hopes of its ultimate Success may be entertained. At the same time, I must apprise your Lordship, that considerable Opposition may be expected from several Quarters, and that, in order to put the whole of what relates to the Registers of Seisins, General and Particular, on a steady and uniform Plan, it may become necessary to apply to the Court of Session for an Act of Sederunt. As a preparatory Step to this, I mean to address a Circular Letter to the Keepers of the several Registers, requiring a Statement of the Rate of Fees which they are in the Custom of charging. These Returns, and the Information afforded by Inspection of the Registers themselves, will furnish all the necessary Lights that can be wanted on the Subject. I need scarcely add, that in this particular Department, the Introduction of the new Record Paper may be effectuated with the utmost Ease.

6. The Registers of Hornings, both General and Particular, would, I believe, be found to exhibit some of the worst Specimens of modern Records. The latter, which are written on Books marked and issued like those of Seisins, will partake of the immediate Advantages of the late Regulation; but the former, which, by an Irregularity not to be sanctioned by any Length of Time, are transmitted only periodically, and at long Intervals, seem to require some still more vigorous Corrective, to restore them to a proper State.

7. Under a former Head, I have alluded to the Plan that has been proposed, of subjecting the Registers of Tailzies and of Inventories to the Operation of Marking, and have stated the Probability there is of the Measure being speedily adopted and sanctioned by the Court of Session.

Your Lordship cannot fail to be aware, that to the preceding Details many other Particulars might be added. But it has not been my Aim or Expectation to exhaust the Subject; nor have I ventured, in the Suggestion of new Measures, to outrun the actual Progress of my own Inquiries and Observations.

II. On the other great Branch of the Public Records, namely, the Local Registries of Scotland, I have had an Opportunity of stating my Opinion in several Reports to His Majesty's Commissioners on the Public Records. Much, however, yet remains to be ascertained, in order to perceive the full Extent of the existing Evils, and the absolute Necessity of a general Reform. In that View, and in order to follow out the Directions of the Commissioners, I am about to circulate a Set of Queries to the Keepers of all the Local Registries, for the Purpose of discovering what Records actually exist in their several Offices, and what Compensations may be requisite in the Event of a total Suppression of certain Classes of them. In these Circumstances, I am induced to refrain from any further Discussion of the Subject in this Report, in the Persuasion that in a short Time I shall have obtained the Means of furnishing your Lordship with more extensive and correct Information.

I have only to add, that as this Report must, by the Constitution of my Office, be presented by me, in your Lordship's Name, to the Court of Session for their Consideration, I persuade myself that many Things which it contains, although here but imperfectly explained, will be intelligible to their Lordships, and may serve as the Basis of further Inquiry. Such Inquiry I shall be most anxious to aid and promote to the utmost of my Power.

THO. THOMSON,
Deputy Clerk Register.

Edinburgh, Dec. 31, 1807.

(W. 3.)

The Second Annual Report of the Deputy Clerk Register of Scotland.—1808.

To the Right Honourable Lord Frederick Campbell, Lord Clerk Register.

Appendix, (W. 3.)

Second Annual Report of Deputy Clerk Register, 1808.

IN arranging the several Matters which I am now to bring under your Lordship's Notice, I shall observe nearly the same general Method as in my former Annual Report; subdividing the Public Records of the Kingdom into those of a General, and those of a Local Kind; and under each of these Classes, separating what concerns the Custody and Preservation of the Records already formed, from what concerns the Formation of future Records.

I.—GENERAL RECORDS OF THE KINGDOM.

1. In considering what relates to the Custody and Preservation of the General Records of the Kingdom, I shall advert, in the first Place, to the State of the Buildings in which those Records are kept, the Accommodation which is there given to the several Classes of those Records, and the Means at present afforded for putting or keeping the several Record Offices in a suitable State of Repair.

The present Distribution of the Apartments in the General Register House may be stated under Three general Heads.

First.—The Apartments occupied by the Lord Clerk Register and his immediate Deputies, as Keepers of the Public Records of the Kingdom. To this Part of the present Buildings has of late been frequently given the Name of the General Repository; but, in the strictest Sense of the Words, it is what properly constitutes His Majesty's General Register House, or the Public Archives of the Kingdom of Scotland.

Secondly.—The Apartments occupied for the Formation of those General Records, which are either immediately or periodically transmissible to His Majesty's General Register House.

Those Records immediately transmissible, and to the Formation of which, Apartments have been allotted in the present Buildings, are,

(1.) The General Register of Seisins, and the Particular Register of Seisins for the District of Edinburgh, &c.

(2.) The Register of Tailzies.

The Records periodically transmissible to His Majesty's General Register House, to the Formation of which Apartments have been allotted, are,

(1.) The Record of the Judicial Proceedings of the Lords of Council and Session, consisting of the Register of Decreets, together with all the Warrants of that Register, kept by the Principal Clerks of Session, and the numerous Deputies, Substitutes, and Extractors, in their respective Offices.

(2.) The Record of Deeds and Probative Writings in the Books of the Lords of Council and Session, kept also by the Principal Clerks of Session, and their respective Deputies.

(3.) The Record of Royal Charters, or Register of the Great Seal, kept by the Director of Chancery and his Deputies.

(4.) The Record of Hornings, Inhibitions, Interruptions, &c.

Thirdly.—The Apartments occupied for the Formation or Custody of certain General Records, which are either not transmissible, or of which there is no regular Transmission to His Majesty's General Register House. These are,

(1.) The Records of the High Court, and of the Circuit Courts of Justiciary.

(2.) The Records of the present Court of Exchequer.

(3.) The Records of the Commission for Plantation of Kirks and Valuation of Teinds.

(4.) The Records of the High Court of Admiralty.

(5.) The Records of the Supreme Commissary Court.

(6.) Certain Records framed in the Bill Chamber of the Court of Session.

(7.) Certain Records framed in the Office of Chancery.

(8.) The Records of the Privy Seal.

Before the Erection and Establishment of the present General Register House, the far greater Number of the Records now enumerated were either kept in the private Houses of the several Officers, or were scattered at Random in different Quarters of the City of Edinburgh. It was the leading Object of the present Establishment to bring

bring together all those General Records into one great Repository, in which perfect Security should, as far as possible, be combined with easy Accessibility; and, to a Degree unexampled in the other Parts of the United Kingdom, these Objects have been confessedly attained. It will not be supposed that these Things are here stated for the Information of your Lordship, to whose happy Exertions the Public have been indebted for the Completion of this munificent Design; but I have brought them so formally into View, as leading to the particular Observations I am about to offer.

In considering the Distribution that has been made of the Apartments in the present Building, I do not find myself prepared to state with Confidence, that any of the various Records already enumerated have had a larger Share of Room allotted to them than was necessary or proper; or that, by a more sparing Distribution in certain Instances there might have remained the Means of accommodating some Branches of Record that are now either excluded, or inadequately provided. There is Reason, however, to expect, that by some intended Alterations in the Formation of the Judicial Records of the Court of Session, the Space now allotted to that important Department may be considerably diminished; and that, in consequence, some new Arrangements may become practicable for the Admission or more ample Accommodation of several Records, particularly of the Third Class above mentioned. This Observation is applicable to the Records of the Teind Court, (supposing these should continue in the Custody of the present Officers), the Records of the Commissary Court, those of the High Court of Admiralty, and some other Branches of inferior Magnitude.

These, however, are Matters for future rather than present Consideration. There is another Subject which presses itself more immediately on your Lordship's Attention. When the present Buildings were first thrown open for the Reception of the General Records of the Kingdom, the Apartments allotted to the various Records of the Second and Third Classes were almost altogether unfurnished; and it was at the private Expence of the several Officers that most of those Apartments were fitted up in a temporary and very imperfect Manner, for the Accommodation of the Records in their Custody. Even the General Repository, which more strictly constitutes His Majesty's General Register House, although fitted up at the Public Expence, had not been made in that Respect so complete as its Importance and Dignity required; and neither for its future Repairs, nor for the Support of the Building, or the Establishment connected with it, was any regular Fund at first provided. Afterwards, by a Royal Grant of £500 *per Annum*, the Means were afforded of paying Salaries to some of the Officers connected with the Establishment, and of meeting the ordinary Expences incurred in its Support: But from these Purposes only a very small Surplus remains for the more common or less expensive Repairs of the Building, without affording the Means of maintaining it at all Times in that State which its Destination and its high Importance to the Public must always render so desirable; and still less for supplying those Defects in the Structure and internal Arrangement of the House, which the original Scantiness of the Fund for its Completion had rendered unavoidable.

Of the Extent of this Deficiency in the present Funds, I have had an Opportunity of becoming fully sensible; and I am persuaded, that without a considerable permanent Addition to these Funds, many Things must remain in a very unfinished and inadequate State of Repair, which it would be highly expedient to rectify and improve. Of this Kind, were it here the proper Place, I could specify many Instances; and, in Truth, I have on many Occasions been restrained from bringing them under your Lordship's Notice, from my Conviction that the present Funds were already unequal to the ordinary Expences of the Establishment; and that in the present Situation of those Funds, any Attempt to render the House more commodious might exhaust the Means of effecting the occasional Repairs that are essential to the Preservation of the Building.

This, I am aware, is a Subject which has not escaped your Lordship's Attention, nor do I here mention it for your Lordship's Information; but I have felt it my Duty not to suppress the general Result of my own Observations and Experience on a Point of such Importance, leaving it to your Lordship to consider by what Means an Augmentation of the permanent Funds of the Establishment may be best effected.

2. With respect to the Preservation of the General Records more immediately under your Lordship's Care, I have the Satisfaction of stating that, during the last Year, Measures of very great Utility and Importance have been in regular Progress. By the Authority of His Majesty's Commissioners on the Public Records of the Kingdom, some of the more ancient Records have been very carefully repaired and rebound; and even where the Materials of which they are composed were in a State of the greatest and most rapid Decay, the further Progress of the Evil has, as far as possible, been checked, and the Books again restored to a Degree of Strength that admits of their being consulted and perused without the risk of Injury. The Records which have been subjected to this Process are the Books of the Lords of Council, from 1478 to 1532, which is the oldest Judicial Record preserved in the General Register House; some of the earliest Books of the Lords of Council and Session, from the Insitution of the Court in May 1532, to the Year 1553, which are peculiarly valuable, as containing many Acts of Sederunt never printed, and some Proceedings of the Privy Council of Scotland during that Period; and several Books of the Register of the Great Seal. The Process is undoubtedly very tedious, and consequently expensive; but of its infinite Utility

 there

Appendix, (W. 3.)

Second Annual Report of Deputy Clerk Register, 1808.

there cannot be a Doubt; and I therefore entertain the Hope, that by the same Authority all the most ancient and valuable of our National Records will, in like Manner, be rescued from that Decay into which they are rapidly falling. In this Description I particularly include the Records of Parliament, the Books of the Privy Council, the Register of the Privy Seal, some of the early Records of the Exchequer, and several others of smaller Extent, but of great Interest or Importance. Some of these require only to be rebound, others to be also previously repaired and inlaid; but the former Class is fortunately by far the most numerous. To that Class belong the Books of Royal Charters, or the Register of the Great Seal, of which nearly the Whole have been already rebound in the most durable Manner; and the Minute Books of the various Records, both General and Particular, all of which, amounting to more than Five hundred Volumes, have been lately rebound. But for the more minute Details of these Operations, I beg leave to refer your Lordship to the various Quarterly Reports for the last Year, presented by me to His Majesty's Commissioners on the Public Records.

3. To the same Reports I may likewise refer for the progressive Advancement of the General Repertory of the Books of Record, which had been begun at the Date of my former Annual Report, and which, during the last Year, has been nearly completed. From this Repertory, it appears that the Books of Record in the General Register House amount to nearly Eleven thousand; and from that Fact alone the Utility of such a Catalogue of them may readily be conceived. But of the various Purposes of this Compilation, and the particular Form in which it has been made, it is unnecessary to resume what I have before had Occasion to state in the Papers annexed to the First Annual Report.

4. Without entering into minute Details, I may be permitted here to allude to another Class of Measures now in Progress, under the Authority of His Majesty's Commissioners, as intimately connected with the Preservation and Custody of the Public Records; I mean the Abridgement of some of those Records, and the Printing of others of peculiar Intereſt or Importance. During the last Year, much Progress has been made in the Compilation and the Printing of the Abridgement of the Record of Retours of Services; and in the course of litle more than another Year the Work may probably be brought to a close. A similar Abridgement of the Register of Entails is now to be commenced; and may, I trust, be brought to a Conclusion within the same Period. In the preparatory Measures of transcribing the Records of Parliament, and the earlier Parts of the Register of the Great Seal, much Progress has also been made, and the Printing of both has lately been commenced, and will henceforth, I trust, be continued without any considerable Delay or Interruption.

5. On the Subject of Transfers to the General Register House, I am not enabled to add much to the Contents of my former Report. In pursuance of a Suggestion made in that Report, a Memorial in your Lordship's Name has been presented to the Court of Exchequer, containing a Proposal for the immediate Transference of the Records of Treasury and Exchequer, prior in Date to the Institution of the present Court; and in consequence of that Application some Proceedings have taken place, of the Tendency or probable Result of which it would be premature now to speak.

It may not be improper here to state, that since the Date of the former Report, a Bill was introduced into Parliament, for better regulating the Public Records of Scotland, by which, among other Provisions, the transference of various Records to the General Register House, and the more speedy and regular Transmission of others, was to be effected. This Measure, though postponed, may probably be again resumed; but, in the mean Time, I shall refrain from adding any Thing on the Subject, to the various Communications I have had the Honour of submitting to His Majesty's Commissioners on the Public Records of the Kingdom.

These few Observations contain all that I find myself at present enabled to state on Matters connected with the Custody and Preservation of the General Records of the Kingdom; and, with respect to the Formation of the future Records of that Description, I have as yet very little to add to the Contents of my former Report. Various Suggestions were there submitted, of which few have been yet carried into Execution. As to One important Branch, however, I mean the Judicial Records of the Court of Session, the Subject cannot fail to come under the particular Consideration of the Commissioners lately appointed by His Majesty, for enquiring into the Administration of Justice in Scotland.

With respect to that Branch which falls more directly within your Lordship's official Controul, namely, the Records immediately transmissible to the General Register House by means of "marking," I have the Satisfaction of stating, that the best Effects have been already felt from the Introduction of a Paper of superior Quality, manufactured for the Purpose, and the exact Regulation of the Number and Length of the Lines on each Page of the Record. To bring the writing of these Records to a proper and uniform Standard, it is further necessary to establish a precise Regulation as to the average Number of Words in each Page; and, at the same Time, a new Enactment will become necessary for ascertaining a suitable and uniform Rate of Payment for each Page or Leaf of such Records. This I cannot help considering as a Matter of general Importance. One of the chief Causes of those Defects in the Execution of the various Public Records which I have repeatedly felt myself

called upon to notice, is the Attempt which, for some Purpose of trifling Advantage, the operative Clerks are too often induced to make, of writing either a great deal too much, or a great deal too little, in a given Space of the Record. In the one Case, for the Sake of a small Saving in the Expence of the Books, the Pages are crowded with Words, in a minute and slender Character, which, unless executed with the utmost Nicety, and with Ink of a deep and durable Colour, very soon become almost illegible with the naked Eye. In the other Case, for the Sake of swelling the Amount of the Fees of Registration, the Pages must be filled, or must appear to be filled, with a small Number of Words, written in large Characters of awkward and most unseemly Form. By approximating these Extremes, and by fixing certain Limits beyond which it shall not be lawful to deviate, another important Step would be gained in the Formation of modern Records. To all of these it would admit of an easy and useful Application; but it is more immediately with a View to the Registers of Seisins that I have now called your Lordship's Attention to the Subject. It is one of the most important, and it has long exhibited some of the most remarkable Deviations from that Standard which I should wish to see established.

From the first Institution of this Record in 1617, down to the middle of the Seventeenth Century, the Average Number of Lines on each Page of the General Register of Seisins was about 42; and the Average Number of Words not less than 420. At the End of the Seventeenth Century, the Average Number of Lines was about 38; and the Average Number of Words 304. Not long prior to this Period, the Court of Session had declared and enacted, that the Standard for Public Records should be 36 Lines, and 324 Words. At the middle of the Eighteenth Century, the Average of the General Register of Seisins continued to be 38 Lines, but only 230 Words. At the End of that Century, the Average Number of Lines was reduced to 30, and the Number of Words to 135. And during Three Years preceding 1807, the Number of Lines was further reduced to 23, and the Number of Words to 115; that is a little more than One-third of the Standard of the Court of Session; and exactly a Half of the Average in 1750.

On the other Hand, in the far greater Number of the particular Registers of Seisins, a different Course was observable. In many Instances, the Standard of the Court of Session, though certainly too high for modern Writing, was still very far exceeded; and, even at the latest Period above mentioned, the Average of Words continued to rise somewhat above that Standard. Thus, in the Particular Register of Seisins for Fifeshire, for the Years 1804, 1805, and 1806, the Number of Lines was 37, and that of Words 333.

The Explanation of these opposite Tendencies may be found in the different Modes in which the Fees of Registration are usually exacted. From a Return made by the Deputy Keeper of the General Register of Seisins, it appears, that the Fees are charged according to a certain Rate for each Leaf of the Record; while, on the other Hand, from Returns made by the Keepers of most of the particular Registers, it appears, that their Fees are in general paid by a different, and often a very loose and indefinite Rule, unconnected with the Number of Leaves or Pages of the Record.

In these Circumstances, it is obviously necessary that a new and general Regulation should be established, both as to the writing of the Record, and the Fees of Registration. In the Books that are now marked and issued from the General Register House, the Number of ruled Lines on each Page has, after much Consideration, been fixed at 30; and after comparing various Specimens of Writing, it appears to me that the average Number of Words ought to be fixed at 200. Corresponding to this Standard in Writing, there ought to be a fixed and general Rate of Payment; and, without at present venturing to offer a positive Opinion, I am inclined to think that this Rate ought to be about One Fourth more than what is at present exacted at the General Register of Seisins. It will be observed, that even with this Addition, the Rate of Payment will be very considerably reduced below that Average to which it has been silently raised, by the unauthorised Diminution of the Lines and Words on each Page.

II.—LOCAL REGISTRIES.

Under this Head may be classed, in the First Place, those Records which are framed in Reference to a particular District, but which are immediately transmissible to the General Register House; of which Description are the Registers of Seisins and of Hornings; and, in the Second Place, those Records framed for particular Districts, which are not by Law transmissible to the General Register House; of which Description are all the Judicial Records of Sheriff Courts, Commissary Courts, and Burgh Courts; and all the Registers of Deeds and Probative Writings kept by Sheriff Clerks, Commissary Clerks, and Burgh Clerks.

The Observations applicable to the First of these Classes of Local Records have been already introduced incidentally under the preceding Head of General Records.

Of

Appendix, (W. 3.)

Second Annual Report of Deputy Clerk Register, 1808.

Of the Second of these Classes, the First Branch, namely, the Judicial Records, is one of peculiar Importance; from the Discussion of which I willingly refrain, as it constitutes one of the special Objects of the Commission under the late Act of Parliament, "concerning the Administration of Justice in Scotland."

It is to the other Branch of this Class of Records that I shall now confine myself, namely, the Local Registries of Deeds and Probative Writings. At the Close of my former Report, I stated that in the View of obtaining more accurate Information on the Subject, Circular Letters had, by the Direction of His Majesty's Commissioners on the Public Records, been transmitted to the Keepers of those Registries; particularly for the Purpose of ascertaining what Records actually exist in their several Offices, and what Compensations might be requisite in the Event of a Restriction or total Suppression of certain Classes of them. From the Communications since received, some important Explanations may now be given on the State of those Registries, and on the Expediency and probable Consequences of their Modification or Suppression. This, as your Lordship knows, forms one of the most prominent Parts of the Arrangement for better regulating the Local Records of Scotland, contained in the Bill already alluded to.

In that Class of Local Registries which I am here considering, it has been usually held competent to receive and to record Instruments and Writings of the Five following Kinds:

1. Deeds containing Clauses consenting to the Registration thereof for the Purposes of Execution, or Legal Diligence.

2. Deeds containing Clauses consenting to the Registration thereof for the Purpose of Preservation.

3. Deeds containing Clauses consenting to the Registration thereof for the Purposes of Preservation, and, if requisite, of all necessary Execution.

4. Probative Writings which do not contain Clauses of Registration, but which, by Act of Parliament 1698, Cap. 4, may be recorded "for Conservation in any Public Authentic Register that is competent."

5. Protests on Bills and Promissory Notes, which may be recorded for summary Execution, in virtue of an Act of Parliament 1681, Cap. 20, and other subsequent Statutes.

The Books of Council and Session are the great General Register, in which Deeds and Writings of all these Kinds may be recorded.

The Particular or Local Registers, in which, by the present Laws and Usage of Scotland, it has been held competent to record Deeds and Writings of the same Five Kinds, and the Number of these Registries, according to Information I have received, are as follows:

1. The Books of Sheriff Courts, kept by the Sheriff Clerks of Counties, or by their Deputies in particular Districts of several Counties	40
2. The Books of Commissary Courts	24
3. The Books of Burgh Courts in Royal Boroughs	63
4. The Books of Burgh Courts in certain Boroughs of Regality and of Barony	15
Total Number of Local Registries of Deeds and Probative Writings	142

The Right of keeping a public Registry of Deeds and Probative Writings, exercised or at least claimed in the various Courts of Judicature above enumerated, being secondary and accidental to the original and proper Purposes of their Institution, the Distribution of these Registries is altogether irregular, and without any regard to local Convenience or Expediency. In the County of Fife, for Example, there are Nineteen or Twenty Registries; in the neighbouring and more extensive County of Perth there are Five; in the County of Ayr only Three are acknowledged; and in many other Quarters of Scotland a similar Irregularity and unmeaning Disproportion in this Class of Establishments is found to prevail.

That the total Number of Local Registries very far exceeds the Necessities of the Country, becomes still more evident from an Examination of the Proportion of Employment now possessed by each, and by the Whole. Of this the Returns lately made to His Majesty's Commissioners on the Public Records, afford the clearest and most authentic Evidence.

From Returns made by the Sheriff Clerks of Twenty-two Counties, it appears that the total Amount of their Profits, arising from the Registration of Deeds and Probative Writings, on an Average of Three Years, is £788. 19. 11¼. per Annum; and estimating the Emoluments of the remaining Eleven at about Half of that Sum, the total Emoluments of the County Registries may be generally stated at £1,200 per Annum.

From similar Returns made by Eighteen Commissary Clerks, it appears that their Profits on this Branch of Registration amount to £187. 16. 10¾. per Annum; and making a proportional Allowance for the remaining Six Registries of this Class, the total Emoluments of the Commissary Registries may be stated at £250. per Annum.

From

From similar Returns made by the Clerks of Fifty-two Royal Burghs, it appears that the total Emoluments of Registration amount to £340. 12. 10½. per Annum; and making an ample Allowance for the remaining Twelve Royal Burghs, all of which are of secondary or very trifling Importance, the total Emoluments of this Class of Registries may be stated at £400. per Annum.

Appendix, (W. 3.) Second Annual Report of Deputy Clerk Register, 1808.

And from similar Returns made by the Clerks of Three Burghs of Regality and Barony, it appears that their Emoluments on Registration amount to £4.; and it may be conjectured that the total Emoluments of this Class of Burgh Registries does not amount to £50. per Annum.

Of the whole Business of Local Registration, it hence appears that the County Registries are already in Possession of nearly Two-thirds, while the remaining One-third is distributed among One hundred Commissary and Burgh Registries.

On comparing the relative Emoluments of the several Burgh Registries, the Inequality of this Distribution becomes not less remarkable. Arranging into Classes, according to the Amount of the Fees of Registration, the Fifty-two Royal Burghs from which Returns have been received, the Result is as follows:

ANNUAL AMOUNT OF FEES.

	Number of Burghs.
Of £2. per Annum and under	35
From £2. to £5. 10. per Annum	7
From £5. 10. to £10. per Annum	4
Of £18. per Annum	1
— £20. 19. per Annum	1
— £22. 10. per Annum	1
— £45. 1. 5. per Annum	1
— £52. 0. 6. per Annum	1
— £84. 17. 6½. per Annum	1

From these Details, it is easy to arrive at various Conclusions, all tending to demonstrate the Inutility of this crowded Establishment of Burgh Registries. But their Inutility is by no Means their greatest Evil. Without affording any material Accommodation in point of easy Accessibility, they not only multiply the Difficulties of a Search, and the Chances of ultimate Failure in such a Search, but by their Insignificance in point of Emolument, the Duties of the Office can occupy but little of the Attention or Regard of those to whom they are entrusted; and, above all, by their great Number, they preclude the Possibility of bringing the Whole of this Department of the Public Records under one general and effectual System of Regulation and Controul.

That a System of Regulation and Controul more vigilant and effectual has become necessary, is sufficiently evident from the Admission of the Keepers of about Three-fourths of the Local Registries throughout Scotland, that they have ceased altogether to keep any Register of the Deeds presented to them for the Purposes of Perservation or of Execution, with the inconsiderable Exception, in most Cases, of a Register of Probative Writings, the Originals of which must be returned to the Parties. This Observation seems to hold true of all the different Classes of Local Registries; yet it is no more than Justice to add, that in each Class there appear to be creditable and striking Exceptions, where, without any unauthorized Augmentation of their Fees, the Keepers have continued to discharge this primary and fundamental Branch of their official Duty, and thus to demonstrate the Utility and the Practicability of what in the greater Number of Local Registries has been neglected for many Years.

In the Bill which was introduced into Parliament during the last Session, a System of Regulation and Controul was proposed, in the View of restoring the Local Registries of Deeds and Probative Writings to a State of permanent Respectability and Usefulness; and as an indispensable Preliminary to the Accomplishment of that important Object, it was proposed to reduce their Number somewhat nearer to the Standard of real Utility and Local Expediency, by abolishing those of the Commissary and Burgh Courts, and by preserving only those of the Sheriff Courts, as being sufficiently numerous in point of Local Accommodation, and as admitting more easily and certainly than any other of a regular and steady Controul.

It will be recollected, that to this Plan various Objections were urged from different Quarters, and particularly on the Part of the Royal Burghs of Scotland. These Objections are not undeserving of Attention; and your Lordship will readily believe that I do not here introduce them as Matter of controversial Discussion, but as suggesting and leading to some useful Results, with a View to the Arrangements that may in future be devised for the Improvement of the Public Records.

One of the most striking Objections of which I have yet been apprised, arises out of the probable Effect of the original Plan on the Jurisdiction of the Burgh Courts in the Recovery of Civil Debts. It is a remarkable Fact, that the only Courts of Civil Jurisdiction in Scotland, which have the Power of carrying their own Judgment into Execution against the Person of the Debtor, are those of Royal Burghs. This they do by means of what is called an

Appendix, (W. 3.)

Second Annual Report of Deputy Clerk Register, 1808.

Act of Warding; which is an Order or Warrant of the Judge for imprisoning the Defender in the Suit, until he have paid the Debt; and such Acts of Warding may of course be competently granted on Decrees of Registration, as well as on Decrees in ordinary Causes. In all other Courts, from the highest to the lowest, this can be effected only by the circuitous and comparatively slow and expensive Form of Letters of Horning and Caption passing under His Majesty's Signet; by which the Debtor is proclaimed a Rebel against the King, if the Debt be not discharged within a certain Time, and in virtue of which he may be ultimately thrown into Prison, not as a Debtor, but as a Rebel.

Of the comparative Advantages and Disadvantages of these Two Modes of personal Diligence, I do not here mean to enter into any full Discussion. I may, however, be permitted to say, that I am not aware of any peculiar Advantages now resulting from the ancient Mode of Diligence by Horning; while that which is practised in Royal Burghs has the decided Superiority of being more simple, more direct, and much less expensive. The Difference in this last Respect has been stated as in the Proportion of One to Thirty; and in Debts of small Amount, this must be considered as a very serious Object.

Viewing the Matter in this Light, I have no Hesitation in admitting, that the legal Remedy of Acts of Warding on Decrees of Registration in Burgh Courts ought not to be lost to the Public. Either, therefore, the Registration of Deeds for Execution, on which that Mode of Diligence and Execution is competent, ought to be reserved to the Clerks of Royal Burghs; or that Species of Diligence and Execution ought, under proper Modifications, to be transferred to the Sheriff Courts, and made more general than it hitherto has been. With a View to the Objection that has been urged on the Part of the Royal Burghs, the former Expedient may be the easiest; but with a more extended View to Public Utility, I should conceive the latter to be by far the most desirable. If the former shall be resorted to, it may be proper to bear in Mind, that the only Class of Registrations which it can be of any Importance to reserve to the Clerks of Burghs, is that of Protests on Bills and Promissory Notes; for I believe it may be safely asserted, that an Act of Warding on a Decree of Registration, of any other Species of Writing, is almost without a Precedent in the Practice of Burgh Courts.

The only other Objection of which I feel myself here called upon to take Notice, is of a Kind which I should scarcely have expected at the present Day, and in the present Circumstances of almost all the local Registries of this Class. It has been very anxiously urged, that the Abolition of this Class of Registries would deprive the Royal Burghs of Scotland of the most valuable Source of Emolument and Remuneration to their Clerks and the legal Assessors of their Magistrates; and, in Support of this Objection, it has been stated, "That the "Town Clerks have either no Salary at all from the Common Funds, or at most a very small Allowance from "that Source. Their Emoluments arise entirely from the Fees attached to the Business performed by them as "Clerks of the Burgh Courts, and as Notaries and Keepers of the Burgh Records. In consideration of these "Fees, Town Clerks act not merely as Clerks of the Burgh Courts and Keepers of the Burgh Records; they, "in general, act also as Assessors to the Magistrates in all civil and criminal Causes, keep the Records of the "Proceedings of the Corporation, and take Charge of the multifarious Business of the Burgh. Compared with "the other Duties which they have to discharge, the Custody of the Burgh Records is attended with much less "Labour, and the Fees arising from these Records are the legal Compensation they receive for other Services, "which would otherwise be wholly gratuitous, or would be performed without any adequate Remuneration. The "obvious Effect, therefore, of the Removal of the Burgh Records, is either a Diminution of the Patronage of "the Magistrates, and of their Power to obtain Persons properly qualified for discharging the Duties of Town "Clerks, or a corresponding Diminution of the annual Revenue of the Burgh, in order to replace the Emolu"ments of which those Public Officers will be deprived. Were the Compensation to be given by the Act made "permanent, and the Annuity or Satisfaction to be given to the present Incumbents provided to their Successors, "this Objection would no Doubt be removed; but it will remain for the Promoters of the Bill to consider whether "such an additional Public Burden is likely to be compensated by any Public Good that will arise from the pro"posed Change in the Custody of this Branch of the Public Records of Scotland."

Of the real Force of this Objection, an Idea may be obtained from the Details which have been already submitted. It now appears from unquestionable Evidence, that the gross Amount of the Fees of Registration of Deeds, Protests, and Probative Writings, in all the Royal Burghs of Scotland, does not exceed £400 per Annum. And in estimating the actual Loss that will arise from the Limitation or Suppression of this Class of Registries, there must be deducted from the gross Amount of Fees the necessary Expence of making a proper Record, and of furnishing the first Extracts of Deeds, Protests, and Probative Writings. According to the Statements received from many of the local Registries throughout Scotland, these Expences are hardly repaid by the Fees of Registration; and, after making the proper Allowances, the Surplus of actual Emolument, for which Compensation would be due, must, in all Cases, bear a moderate Proportion to the gross Amount of Fees.

In estimating the Amount of the actual Loss of Emoluments, it may further become necessary to ascertain the Effects of reserving the Registration of Protests of Bills, for the Purpose of Execution. The exact Proportion of the

the Emoluments of this Branch of Registration has not been ascertained in more than a few Instances; but, from these, it appears that the Registration of Protests alone yields about Two-thirds of the whole. In the City of Glasgow, the Proportion of Protests seems more than usually small; yet the Emoluments are to those of other Registrations as Five to Three. Under such an Arrangement, therefore, the Total Amount of Fees to be eventually withdrawn from the Clerks of Royal Burghs would not exceed £150 per Annum; and of this Sum, not the whole, but only a certain Proportion could be fairly stated as an actual Diminution of Emoluments. Whatever that Proportion may be, it must be obvious that full and permanent Compensation for it may be given either by making a small Addition to the present Fees of Registration in those Classes of Records which will still remain, or by an annual Payment, of very inconsiderable Amount, to the Clerks of Royal Burghs, and their Successors in Office. In this Way, it may be hoped, all Objections on the Head of pecuniary Emolument or Patronage will entirely cease.

These Observations on the probable Effect of the Suppression or Modification of certain Classes of local Records, may perhaps at first Sight be thought to occupy a disproportioned Space in this Report; but regarding that Suppression or Modification as the only secure Basis of a permanent Reform in that Department, I persuade myself it will not appear useless to have thus attempted to obviate some of the chief Obstacles that have been opposed to its Introduction.

THO. THOMSON,
Deputy Clerk Register.

Edinburgh, Dec. 31, 1808.

(W. 4.)

Report of Committee of the Lords of Session.—March 1810.

*Report from the Committee of the Lords of Council and Session, appointed to consider the First and Second Annual Reports of the Deputy Clerk Register, and Proceedings of the Court thereupon. Extracted from the Books of Sederunt**.

March 10, 1810.

THIS Day the Committee to whom, on the 10th Day of March 1808, and 11th Day of March 1809, it was referred to consider the FIRST and SECOND ANNUAL REPORTS of the DEPUTY CLERK REGISTER, and to report their Opinion thereon to the Court, gave in their said Report, of which the Tenor follows:

REPORT, &c.

The Committee to whom it was referred to consider the First and Second Annual Reports of the Deputy Clerk Register, for the Years 1807 and 1808, and to report their Opinion thereon to the Court, have carefully examined those Reports, with the Appendixes annexed to them, containing, among other Articles, various Extracts from the Proceedings of the Right Honourable His Majesty's Commissioners for the Arrangement and Preservation of the Public Records of the Kingdom; and have also perused the printed Reports of the Proceedings of those Commissioners for the Years 1806, 1807, 1808, and 1809, so far as relates to Scotland, presented by them to Parliament, and of which, by their Direction, the Committee have had the Honour to receive Copies: and the Committee have also repeatedly conferred with the Deputy Clerk Register on the several Matters contained in his Reports; and they now submit to the Lords the Opinion they have formed on various Matters which have been thus brought under their Consideration.

There appears to the Committee to be, on the present Occasion, an obvious Propriety in adverting to the high Importance and probable Advantages of the recent Institution of the Office of Deputy Clerk Register. In the Royal Warrant for the Establishment of the Office, its Objects are stated to be the more efficient and regular Superintendance and Controul of all Matters arising within the Department of the Lord Clerk Register, in the Formation, Preservation, and Arrangement of the Public Muniments and Records of Scotland; and while the Committee acknowledge with peculiar Satisfaction this "gracious Testimony of the Royal Favour to this His Majesty's ancient Kingdom," they think it their Duty more particularly to state, that, for the permanent Efficacy and Utility of this Institution, a great deal in future will depend upon the vigilant Attention and steady Support that may be given by the Court to the Proceedings and Suggestions of this Officer. It is in this View, and in

* See First and Second Annual Reports.

pursuance

Appendix, (W. 4.)

Report of Lords of Session, 1810.

pursuance of the special Instructions contained in his Commission, that the Deputy Clerk Register has presented to the Court the above mentioned Annual Reports of his Proceedings in the Exercise of his Office: and the Committee beg leave to state, that they consider the Formation of such Reports, and the regular Communication of them to the Court, as well calculated to promote those important Views which have led to the Establishment of the Office, by bringing the Conduct of the Deputy Clerk Register directly under the Observation of the Court, and by submitting to their Notice such Matters relating to the Formation, Preservation, and Arrangement of the Public Records of Scotland, as may be thought to require the Interference of the Court, or may be fitly made the Subject of further Regulation.

Before proceeding to consider in Detail the various Matters contained in the First and Second Annual Reports, the Committee cannot refrain from expressing the high Satisfaction with which they have perused the above mentioned Proceedings of His Majesty's Commissioners on the Public Records, and the sincere Gratification it has afforded them to observe the Progress that has been made at the General Register House, in the Execution of the various and important Measures which are now in Progress under the Direction of the Deputy Clerk Register. These Measures are chiefly of Two Kinds, having for their Object, on the one Hand, the Preservation, Arrangement, and greater Accessibility and Usefulness of the Public Records deposited in the General Register House; and on the other, the Publication, in the most authentic Form, of such as are most valuable and generally interesting to the History and Law of the Country. Of the former Kind, the Committee have observed with peculiar Satisfaction the Measures which have been adopted for rescuing, as far as now is possible, some of the more ancient and valuable Records from that state of progressive, and even rapid Decay, into which, from their Age, and from former Accidents and Neglect, they had unfortunately fallen; and for rebinding such of the Records as had suffered from frequent Use, or had in this Respect been originally insufficient. And as to this Class of Measures, the Committee may be permitted to express their earnest Hope, that His Majesty's Commissioners may be induced to proceed in what has been so laudably commenced, until the whole of the Records are restored to that Condition which their infinite Utility must render an Object of the utmost National Importance.

With respect to the other Class of Measures, relating to the Publication of some of the more valuable and interesting Records, the Committee shall not here enter into any minute Detail; but they may be allowed to say, that they consider the several Works now in Progress under the Direction of the Commissioners, as all of the highest Importance to the Constitutional History and Jurisprudence of Scotland; and that the successful Completion of what has been already begun, as well as of other similar Works which appear to be in Contemplation, must be anxiously expected by all who are capable of duly appreciating the Value of those Researches to which such Publications are subservient.

In considering the various Matters contained in the Two Annual Reports of the Deputy Clerk Register, the Committee have found that some of the Measures and Regulations there suggested have been already approved of by the Court, and carried into Effect, by Acts of Sederunt; that others have been enforced by the late Act of Parliament, for better regulating the Public Records of Scotland; and that those which particularly regard the Formation of the Judicial Records of the Court of Session, have already fallen under the Consideration of the Commissioners for inquiring into the Administration of Justice in Scotland. The Committee shall here, therefore, avoid offering any particular Remarks on these Matters, and shall confine their Attention to such as either remain unexecuted, or seem to merit the more immediate Notice of the Court. In doing so, the Committee shall proceed nearly in that Order in which the several Matters occur in the Two Annual Reports of the Deputy Clerk Register.

I. The Importance of maintaining the General Register House in the most perfect State of Repair, and of completing all the proper Arrangements in the Interior of the present Building, is abundantly manifest; and it is therefore, with sincere Regret that the Committee have perused the Statements contained in one of the Annual Reports, from which it appears, that the present Funds of this Establishment are inadequate to the Objects in View. This is an Evil to which, of course, it is not within the Competency of the Court to apply any Remedy; but the Committee may be permitted to express a Hope, that the Subject may meet with that serious Attention elsewhere, which it so well deserves.

II. With respect to the general State of the Public Records deposited in the General Register House, the Committee observe, with Satisfaction, that their present Arrangement is regarded by the Deputy Clerk Register as, upon the whole, correct and judicious; and they have only to add their strongest Recommendation, that no Pains may be spared by him in rendering that Arrangement, in all Respects, as perfectly clear, simple, and systematic, as the Nature of a Collection, so vast and multifarious, and the Accommodations of the Building, will admit. With respect to those Records which are in a decayed State, or which require to be rebound, the Committee have already taken Notice of the Measures which have been adopted by His Majesty's Commissioners under the immediate

immediate Inspection of the Deputy Clerk Register, and have expressed their Hope, that they may experience no Interruption until this important Work shall have been fully completed.

III. It is well known, that, from various Causes, many of the Public Records of Scotland have entirely perished, and that many have been removed from those Repositories where they ought to have been preserved. To this Subject the Attention of the Court has been often called at different Periods; and, in numerous Instances, they have successfully exerted their Authority in recovering and replacing in the General Register House such Records as have been found to exist either in Private Custody, or in Public Offices, to which they did not legally belong. On this Subject, several important Particulars are stated in these Reports; and the Court cannot too earnestly recommend to the Deputy Clerk Register, to adopt every Means in his Power to bring to light such Records as may now be missing; in the Restoration of which to Public Custody and Use, they will afford him the Aid of their utmost Authority.

IV. In the Reports of the Deputy Clerk Register, the Committee observe, with the highest Satisfaction, the Measures proposed, and in Part already adopted, for promoting the Accessibility of the Public Records, and the Facility of Research. The Committee particularly allude to the Compilation of a General Repertory, and of a Press Catalogue of the Records in the General Register House; Measures of great and manifest Utility, which have been rendered practicable by the Aid and Encouragement of His Majesty's Commissioners on the Public Records. By the same Means, other Works of the same Class, and of still more arduous Execution, have been also undertaken, or are in the Contemplation of His Majesty's Commissioners; particularly an Abridgement of the Record of Retours of Services, which is already in a State of great Advancement; an Abridgement of the Register of Tailzies, now in Progress; and another of the Register of the Great Seal. Of these, and some other Works of a similar Kind which may probably be executed, the Committee must express their unqualified Approbation.

Under this Head of Measures, they have been induced more particularly to bestow their Attention on a Suggestion contained in the First Annual Report, for the Compilation of Indexes of easy Reference to some of the more bulky and useful Records, such as the Register of Seisins, and the Records of Deeds and Probative Writs in the Books of Council and Session. They agree with what is stated in the Report as to the impracticable Nature of any Attempt to give the Measure a remote Retrospect; but, they are of Opinion, that it might be highly expedient to compile such Indexes for the Records of this Class, at least from the Commencement of the present Century downwards, and to make such Arrangements as would secure the regular Formation of such Indexes in future: and they consider the Subject as deserving the further Consideration of His Majesty's Commissioners, and of the Deputy Clerk Register.

V. Among the Plans for improving the Accessibility of the Public Records, contained in the First Annual Report, the Committee observe a Suggestion for diminishing the customary Fees of the Keepers of these Records, and compensating that Diminution by Public Salary. The Committee are fully aware of the Importance of the Subject, and regard it as deserving of Inquiry and deliberate Consideration; but at present, they refrain from offering any Opinion whatever on the Expediency of the Measure proposed in the Report.

VI. With respect to the future Formation of those Public Records which are now in regular Progress, the Committee observe, with high Satisfaction, that a great deal of Pains and Attention have lately been given to the Subject; and that various Measures have been adopted, from which it is reasonable to hope that much Advantage to the Public will ultimately be experienced. Among those Measures, the Committee particularly approve of the Manufacture and Adoption of Paper of very superior Quality for all those Books of Record that are previously issued under the Authority of the Lord Clerk Register; the exact Regulation of the Number and Length of the Lines on each Page; and the proposed Regulation of the Number of Words to be engrossed on each Page of the Registers. To this last Point the Committee beg Leave to direct the immediate Attention of the Court, in so far as it yet requires the Authority of an Act of Sederunt. The Committee further beg Leave to direct the Attention of the Court to another Measure of the same Class, which is strongly recommended in the First Annual Report, and from which the Committee apprehend that great Advantages would arise. They allude to a Plan for preventing Persons from being employed as the operative Framers of Public Records, who have not previously undergone a certain Discipline and Probation, and been found duly qualified; and on this Subject the Committee would suggest, that the Deputy Clerk Register ought to be directed to prepare a more detailed Scheme of Regulations for the Consideration of the Court.

VII. In these Reports various Statements and Suggestions are given respecting the future Formation of some particular Records, more especially as to those of the Court of Session. On the Judicial Records of the Court for Reasons already mentioned, it is not necessary here to say any Thing: but with respect to the Registration of Deeds, Protests, and Probative Writs, in the Books of Council and Session, certain Improvements are proposed in those Reports, which the Committee think deserving of Adoption. They allude to the Consolidation of the Three different Records,

Appendix, (W. 4.)
Report of Lords of Session, 1810.

now kept in the Three Offices of the Court of Session, to be placed under the Care of one efficient Officer; and the Subdivision of that Record into Two Series or Branches, namely, a Record of Deeds and Probative Writs, and a Record of Instruments of Protests on Bills and Promissory Notes. The Committee further approve of the Proposal of Engrossing these Records in the Books of the Standard Quality, to be issued under the Authority of the Lord Clerk Register, but without being subject to the more expensive Operation of *Marking*. By the Adoption of these Improvements, the Record in question would be assimilated to the Records of Deeds, Probative Writs, and Protests, now kept in the Sheriff Courts, under the Authority of the late Act of Parliament for better regulating the Public Records of Scotland.

VIII. In what concerns the Formation of Writs passing under the Great Seal and the Privy Seal, some important Alterations, originally suggested in the Reports now before the Committee, have been carried into Effect by the above mentioned Act of Parliament: but it appears, that in the Formation of the Registers of those Writs in Chancery, and in the Office of the Privy Seal, some further Regulations are still wanting to render those Records as perfect in all Respects as their Dignity and Importance manifestly require. On this Head, the Committee would recommend to the Deputy Clerk Register to prepare a more detailed Statement for the Consideration either of the Court, or of His Majesty's Commissioners on the Public Records.

IX. From the Statements in the First Annual Report, and from verbal Communications made to the Committee by the Deputy Clerk Register, it appears, that it has been hitherto the Practice in the Bill Chamber to retain the original Abbreviates of Adjudication, and from these to frame a Record, which is periodically transmitted to the General Register House. The Committee are of Opinion, that this Record of Abbreviates ought to be discontinued; that the original Abbreviate, signed by the Lords Ordinary in the Processes of Adjudication, should be held as the only Record, and should, as such, be periodically transmitted to the General Register House; and that, for this Purpose, an Act of Sederunt ought to be passed.

X. In the Two Annual Reports, and in the Appendix to the Second, many important Details are given respecting the Formation of the Registers of Seisins; from which it appears to the Committee, that an Act of Sederunt ought now to be passed, for regulating the Quantity of Writing on each Page of the Record, and for ascertaining the Fees to the Keepers, and to the operative Clerks, according to that Standard of Writing. The Draft of an Act for that Purpose is annexed to this Report.

XI. With respect to the Registers of Hornings and of Inhibitions, the Committee observe, that those kept in the Counties, by the Sheriff Clerks, are subjected to the Operation of Marking, while those of the General Register are exempted from that Controul. The Committee are of Opinion, that this Exemption has been productive of the worst Consequences in the Formation of those Registers, and that they ought henceforth to be written on Books issued under the Authority of the Lord Clerk Register, of the same Kind with those recommended above for the Record of Deeds, &c. in the Books of Council and Session, and already in use in the Local Registries, under the Authority of the late Act of Parliament.

XII. In these Reports, and in the Appendixes annexed to them, the Committee have found many important Details and Suggestions relating to the Local Registries in Shires and Burghs. Since the Date of the Second Report, some of these Suggestions have been adopted into the Act for better regulating the Public Records of Scotland: and, at present, the Committee have only to observe, that the Arrangements of Regulation and Controul introduced by that Act, can only receive complete Effect from the vigorous Exertion of the Authority of the Court, in repressing and punishing all Attempts to infringe or evade its salutary Provisions.

ROBERT BLAIR.
C. HOPE.
ALLAN MACONOCHIE.
Wm ROBERTSON.

The Lords approved of the above Report, and directed the Deputy Clerk Register to communicate Copies of it to the Lord Clerk Register, and also to the Right Honourable His Majesty's Commissioners, for the Preservation and Arrangement of the Public Records of the Kingdom.

(W. 5.)

The Third Annual Report of The Deputy Clerk Register of Scotland.—1809.

To the Right Honourable Lord Frederick Campbell, Lord Clerk Register.

THE various Matters which fall within the Period of the present Report, cannot, I conceive, be more fitly presented to your Lordship's Notice than in the Order which has been observed in my Two former Annual Reports;—" subdividing the Public Records of the Kingdom into those of a General and those of a Local Kind; " and under each of these Classes, separating what concerns the Custody and Preservation of the Records already " formed, from what concerns the Formation of future Records."

I.—GENERAL RECORDS OF THE KINGDOM.

1. In what regards the State of the Buildings of the General Register House during the Period of this Report, there is not a great deal that at present requires any minute Discussion. Under your Lordship's immediate Inspection certain Alterations have been executed, for the better Accommodation of those who are in regular Attendance at the Register House, as well as for the Improvement of the principal Access to the Interior of the Building; and of these Alterations, it may be enough for me to say, that they promise to be attended with all the Advantages that were proposed. These are indeed but a small Portion of those Operations for the general Improvement of the House, which have been in Contemplation, and the Importance of which has been deeply felt by your Lordship, but of which the Execution has been hitherto rendered impracticable by the Scantiness of the Funds provided for such Purposes. Of these, one of the most interesting Subjects of Consideration has been the Mode of heating the central Parts of the Building, in which the Public Muniments and Records of the Kingdom are deposited; and from the Measures already taken by your Lordship, there is Reason to hope that this Object will soon be effectually accomplished.

Under this Head, I have only to add, how much the Experience of another Year has encreased the Conviction expressed in my last Report, of the absolute Necessity of an Augmentation of the ordinary Funds of the Establishment, in order to maintain the General Register House in that State of Repair, which its Destination and public Importance must always render so desirable; and without which there must be an accelerating Accumulation of Wants and Disrepairs, which it would require only a moderate Effort to anticipate and prevent; but the ultimate Removal of which may become an arduous, perhaps a hopeless Undertaking. On the general Point, as stated in my former Report, I have the Satisfaction of being supported by the Sentiments of the Committee of Lords of Council and Session, to whom my First and Second Annual Reports were referred for Consideration. In a Report from that Committee, after concurring in Opinion as to the manifest Importance of maintaining the General Register House in the most perfect State of Repair, and of completing all the proper Arrangements in the Interior of the Building; and after expressing their sincere Regret that a Deficiency of Funds should have been experienced, the Committee add, that though " it be an Evil which it is not within the Competency of the Court to remove, " yet they must express their Hope, that the Subject may meet with that serious Attention elsewhere which it so " well deserves."

2. The Preservation of the Records in the General Register House, and the Restoration of such as have been seriously injured by Accident or Time, have continued to be Objects of particular Care and Attention with His Majesty's Commissioners on the Public Records of the Kingdom. The minute Details of the Progress that has been made in repairing and rebinding various Classes of Records, since the Date of my last Annual Report, will be found in the several Quarterly Reports during the Year 1809, which I have communicated to the Board. It may be enough here to state in general, that, among the decayed Records which have been repaired, are those of the Privy Council of Scotland prior to the Restoration in 1660; of which many were in a mutilated, as well as a perishing Condition. A Part of this Series, which for some Years past, has been deposited in the Justiciary Office, but which, I have Reason to presume, will be soon transferred into the General Register House, are about to be subjected to the same Process. Among the Records which have been rebound, or which are in the Course of being rebound, I may particularly specify the earlier Volumes of the General Register of Seisins, which, from original Insufficiency in this Respect, and from frequent Use, were in a State of Disrepair, which rendered this Operation highly proper. The same Operation will, I trust, be extended not only to the particular Registers of Seisins, but to the Record of Decreets of the Court of Session, prior to the Year 1660; the Records of Deeds, &c. in the Books of Council and Session; and several other Records in frequent use. To the high Utility of this Class of Measures, the Committee of the Court of Session have borne the most ample Testimony: and they have, at the same Time, " expressed their earnest Hope, that His Majesty's Commissioners may be induced to persevere " in what has been so laudably commenced, until the Whole of the Records are restored to that Condition which " their infinite Utility must render an Object of the utmost Importance to the Public."

3. Among

APPENDIX, (W. 5)

Third Annual Report of Deputy Clerk Register, 1809.

3. Among the collateral Advantages which are likely to attend the Operations last alluded to, your Lordship will have Satisfaction in learning, that it promises a very considerable Economy of Space in the Presses and Shelves of the Register House. The Books, when in that loose and unmanageable State, with hardly any Thing that can be called binding at all, which your Lordship well knows to be true of a considerable Proportion of the Whole, are found to occupy more Space, by at least a Fourth, than when they are firmly compacted, and can bear to be placed in the Shelves close to each other. In the crowded State of many of the Apartments, the Effect now described has become of considerable Importance. It has, however, by an obvious Consequence, led to an inconvenient Delay in completing the Press Catalogue of the Records, which depends entirely on the minute Arrangements of the Shelves and Presses, and of which almost all that has been already framed will be rendered useles by unavoidable Changes in those Arrangements. The Delay thus afforded, and the Changes which may be necessary, will, I trust, be usefully improved, by rendering the Arrangement of the several Classes of Records more accurate and systematic;—an Object to which, as of peculiar Importance, the Committee on my former Reports have been pleased to direct my particular Attention.

4. Among those Measures which may be regarded as relating to the Preservation of the Public Records, I may here state very generally, what in the Quarterly Reports to the Commissioners of Records will be found more fully detailed, that the Transcription and Printing of some of the more ancient and valuable Monuments of Law, and of Constitutional History, have been continued under the Direction of the Board. The remaining Record of Royal Charters, during the Reigns of Robert I. David II. Robert II. Robert III. and the Regency of Robert Duke of Albany; in other Words, from the Accession of Robert Bruce in 1306, to the Return of James I. in 1424, comprehended in Twelve Rolls, and One Book, has been nearly finished at the Press; and to supply, in some Degree, the Loss of a great Proportion of the Record of Charters during that Period, and to form a Supplement to the Volume now in the Press, it is hoped that important Contributions may be drawn not only from the remaining Chartularies, and Registers of Religious Houses and Bishopricks, but also from the Archives of Burghs and other Bodies Corporate, and even from the Repositories of Individuals.

During the Period of this Report, that Class of Parliamentary Proceedings called Acts of the Lords Auditors of Causes and Complaints, and of which, during a Part of the Reigns of James III. and James IV. a considerable Series has been preserved, have been printed; and, as a necessary Accompaniment, the contemporaneous Proceedings of the Lords of Council are now in Progress at the Press. These, together, constitute the earliest Judicial Record that now remains in the General Register House.

Of the Works of this Description now in Progress, the most important undoubtedly is the proposed Collection of the Proceedings of the Three Estates in Parliament, from the earliest Period of authentic Record downwards to the Union in 1707. Owing to the Labour and Difficulties of a minute Collection, the Advancement hitherto made in this great Work has been comparatively inconsiderable. The Acts of the Parliaments of James I. and James II. which are the Commencement of what will ultimately form the Second Volume of the whole Series, have been sent to the Press; and I trust that a Work, to the successful Execution of which your Lordship's Attention has been so long directed, may soon proceed without Interruption. Immediately connected with this larger Collection, will be the proposed Edition of Acts of Parliament for more popular Use; in the Promotion of which, there is Reason to hope for valuable Aid from some of the Members of the Faculty of Advocates, who, as a Body, have been pleased to express their unqualified Approbation of the Undertaking *.

The Compilation of an Abridgement of the Record of Retours of Services, from its Commencement to the End of the Seventeenth Century, has been completed, and about One Half of it has been printed. Including very ample Indexes of Persons and Places, it will form at least Two Volumes in Folio. The Compilation of a similar Abridgement of the Register of Tailzies is now in considerable Progress.

To the Importance of these various Measures for giving Publicity to some of the more interesting Records, the Committee on my former Reports have given the Sanction of their strongest Opinion; to which I feel much Satisfaction in referring.

5. In my first Report †, I took Occasion to suggest and recommend the Compilation of Indexes of easy Reference to some of the more bulky and most generally useful of our Records, such as the Register of Seisins, and the Records of Deeds and Probative Writs, &c. in the Books of Council and Session. On this Subject, the Committee of the Court of Session have said, "That they agree to what is stated in the Report, as to the im- "practicable Nature of any Attempt to give the Measure a remote Retrospect; but they are of Opinion that it "might be highly expedient to compile such Indexes, for the Records of this Class, at least from the Commence-

* See Extract from Proceedings of the Faculty of Advocates respecting the Publication of the Acts of the Parliament of Scotland, 11th February 1809.

† See First Annual Report.

"ment

" ment of the present Century downwards, and to make such Arrangements as would secure the regular For-
" mation of such Indexes in future; and they consider the Subject as deserving the further Consideration of His
" Majesty's Commissioners, and of the Deputy Clerk Register."

In pursuance of this Recommendation, and under the Persuasion that an Opinion so weighty cannot fail of its due Effect, I shall beg Leave here to state very briefly the further Views which have occurred to me on the Subject. By aiming at too much in minute Detail, as much as by giving the Plan too remote a Retrospect, its ultimate Execution would, I conceive, be endangered. I shall therefore suggest, in the First Instance, what may certainly be regarded as falling considerably short of obvious and practicable Perfection. As the Ground-work of the Index to any particular Record, I would propose to take the Minute Book of that Record; and beginning with some more exact and rigid Regulations for the Formation of Minute Books, or rather with a more strict Enforcement of existing Regulations, it should be imposed as a Duty on the Keepers of such Records, instantly to transfer the Names of Persons and of Places from the Minute Books, into Books prepared as Schedules, in an alphabetical Arrangement. Both the Minute Books and the Index Books should be issued under the Authority of the Lord Clerk Register, at the same Time with the Record Book to which those are to relate; and with that Record Book, when filled up, the relative Index Book, as well as the Minute Book, ought also to be returned. Of the Degree of Exactness in alphabetical Arrangement, of which in the First Instance these Indexes might be made susceptible, I do not speak with absolute Confidence; yet I apprehend that, with a little Pains in the Construction of the Schedule, it might approach very near to absolute Accuracy. This, however, would in the more considerable Records be of the less Moment, as I would further propose, that at the End of every Ten Years, the several Index Books of that Period should be reduced into one alphabetical Series for Persons and another for Places, exactly arranged: And this last Operation, which would be one of little more than mechanical Labour must of course be executed in the General Register House, and must fall either on the ordinary Keepers under the Lord Clerk Register, or on a particular Officer appointed to that Duty. In proposing that the Index Books and Minute Books should be issued from the General Register House to the Keepers of the several Records, at the same Time with the Record Books, I see no Propriety or Necessity in exacting any additional Fee for the Delivery of those Books, beyond their prime Cost. At the same Time, in a different View, I would propose the Exaction of a small Fee at the Time of Delivery, to serve as a Recompence for the Trouble of afterwards reducing the Indexes of Ten Years into One Series; for which Fee, as well as for his own Trouble and other Expences in this Busines of Index-making, the Keeper might be fully indemnified by a fractional Addition to the regular Fees of Registration. Such is the Outline of the Plan I have conceived for the Compilation of the proposed Indexes to future Records; and though it would be no very difficult Task to condense into One larger Series the Indexes of several Decades, I do not imagine that any practicable Benefit of much Moment would be gained by it. With respect to the Indexes of the first Ten Years of the present Century, now nearly elapsed, some extraordinary Provision would of course be requisite; and which, if the principal Measure should be adopted, might perhaps be obtained from His Majesty's Commissioners on the Public Records.

6. Although, during the Period of the present Report, no Discovery has been made of any of those Public Records which are known to be missing, it may not be improper in this, and in every future Annual Report, at least to bring the Subject into Notice: And your Lordship will have observed with Satisfaction, that it is a Subject which has particularly interested the Committee of the Court of Session, to whom my former Reports were referred; and as to which they observe, That " the Court cannot too earnestly recommend to the Deputy Clerk
" Register to adopt every Means in his Power to bring to light such Records as may now be missing, in the
" Restoration of which to public Custody, they will afford him the Aid of their utmost Authority."

The only missing Record, of the Existence of which I have at present any distinct Traces, is an early and important Volume of the Register of Privy Council, beginning June 12, 1567, and ending December 27, 1569; and I hope that, ere long, the Means will be found of restoring it to public Custody.

7. With respect to the Transference of Records from other Public Offices into the General Register House, the only considerable Instance during the Period of this Report, is that of the Record of Deeds in the Commissary Court, which has taken place, or rather which ought to have taken place, under one of the Provisions of the Act, passed in the last Session of Parliament, " for better regulating the Public Records of Scotland." At the Period when this Transference ought to have taken place, namely, the 12th of November last, the Record of a considerable preceding Period had not been made up. For this Reason, a Delay of a few Months has been requested; in acceding to which, no material Inconvenience will, I trust, be experienced.

In my last Annual Report, I alluded to an Application to the Court of Exchequer, which I had made in your Lordship's Name, in which a Proposal was made for a Transference into the General Register House of the Records of Treasury and Exchequer, prior in Date to the Institution of the present Court in 1707. Your Lordship

Appendix, (W. 5.)
Third Annual Report of Deputy Clerk Register, 1809.

is already apprised of the Refusal of that Application; and, without entering into any controversial Discussion on the Question of legal Right, I shall only observe, that the Application was made solely on the Grounds of a public Nature;—that it is a Measure of obvious and undeniable Expediency and Propriety, to collect into some one Repository, the scattered Parts of the same Series of Records;—and that, if it should ultimately be settled, that the Ancient Records of Exchequer in the Custody of the present Court, ought to remain in the Apartments belonging to the Exchequer in the General Register House, it may become proper to transfer into those Apartments such Parts of any broken Series of Volumes as may be in the Custody of the Lord Clerk Register. But, until a regular Inventory of the various Records of Exchequer, now in the Custody of those Officers, has been framed, it will be impossible to state on what Terms and by what reciprocal Concessions, a reasonable and expedient Arrangement can be made.

Your Lordship is already aware of the broken state of the Records of Privy Council; of which about One Half of the existing Volumes have always been deposited in the General Register House; and the other Half, not in regular Succession, but in another broken Series, have of late been kept in the Justiciary Office. The History of this accidental Disorder of those Records, in so far as I have been able to trace it, your Lordship will find detailed more fully in one of the Numbers of the annexed Appendix; and I have the Satisfaction of stating, that the Whole will probably, with the Approbation and Concurrence of the Court of Justiciary, be soon restored to the General Repository, and placed in that Order which originally belonged to the successive Volumes of this highly curious and important Record.

8. From the Transference of Records, of which I have been now speaking, must be distinguished as generically different, the progressive Transmission of Records into the General Repository, from the Offices in which they have been framed. On this Head, some important Alterations have taken place since the Date of the last Annual Report. By one of the Provisions of the Act, "for better regulating the Public Records of Scotland," those Records which were before periodically transmissible, after a Lapse of Ten Years, must now be delivered, with their respective Minute Books and Warrants, within Three Months after they have been severally completed and filled up. This Regulation applies to the Registers of the Great Seal and of the Privy Seal, the Record of Decreets, and that of Deeds, &c. in the Books of Council and Session, the General Registers of Hornings, and of Inhibitions, and the Record of Abbreviates of Adjudications. As the Principle of this Alteration of System, and the probable Advantages of it, have been fully stated in former Reports, I refrain from any enlarged Discussion of the Subject.

The several Matters now treated of, relate more or less directly to the Preservation and Custody of the Records already framed and completed; I now pass to some of those Matters which concern the Formation of future Records.

9. In my former Reports, I have explained at considerable Length the Advantages which might be expected to arise from the exact Regulation of the Quantity to be written on each Page or Leaf of the Records. Preparatory to such Measure, the Use of Paper of a fixed Standard in Size and Quality, and the Regulation of the Number and Length of the Lines on each Page, have now been introduced with excellent Effect, into all those Classes of Records transmissible to the General Register House by means of Marking: and in the Report of the Committee of the Court of Session on my former Reports, the fullest Approbation has been expressed of the further Proposal contained in my Second Report, of fixing the Number of Words on each Page of the Records so *ruled*, at an Average of 200. I trust that an Act of Sederunt to this Effect, applicable not only to the Registers of Seisins, but to every other Class of Records, transmissible in the Manner above mentioned, to the General Register House, will be passed without Delay.

10. Another general Measure for Improvement of the Public Records, which I ventured to suggest in my First Annual Report, has also received the Approbation of the Committee; I mean the Plan for preventing any Person from being employed as an operative Clerk in framing Public Records, who has not undergone a certain Discipline and Probation, and been found duly qualified. This Proposal, the Committee have recommended to the Attention of the Court; and have further suggested, that the Deputy Clerk Register ought to be directed to prepare a more detailed Scheme of Regulations for the Consideration of the Court. This Instruction I shall have the utmost Satisfaction in obeying: but as the Measure is one of considerable Delicacy, I shall not now attempt to explain at length the Means by which it may be most effectually accomplished.

11. With respect to the Formation of particular Classes of Records, I may begin with mentioning that what concerns the Judicial Records of the Court of Session, has occupied much of the Attention of the Commissioners on the Administration of Justice in Scotland, and in consequence of their Reports, will probably become the Subject of Parliamentary Discussion; at present, I shall therefore refrain from touching on the Subject.

In what regards the other great Branch of the Records of the Court of Session, namely, the Register of Deeds, Probative Writs, and Protests, the Measures proposed in my former Report of consolidating the Three existing Records

Records into One;—subdividing it into Two Branches, viz. Deeds and Probative Writs as one Series, and Instruments of Protests as another;—and the Introduction of Books issued under the Authority of the Lord Clerk Register, have been approved of by the Committee of the Court; and although attended with some Perplexities in its final Arrangement, I trust that no serious Impediment to the Execution of the Plan is likely to occur.

APPENDIX, (W. 5.) Third Annual Report of Deputy Clerk Register, 1809.

12. In the Formation of Charters which pass the Great Seal, an important Alteration has been introduced by the Act "for better regulating the Public Records of Scotland," namely, the total Omission of the Precepts under the Privy Seal, the Adoption of the Signet Precepts as the Warrants of the Charters, and the Transmission of those Precepts along with the Register of Charters to the General Register House. By another important Provision of the same Statute, Extracts from the Register of the Great Seal are rendered probative; and the Production of Original Charters in Proceedings at Law, and the consequent Risks of Loss or Destruction to which they are usually exposed, may thus be henceforth avoided.

13. In what particularly respects the Registers of Seisins, of Hornings and Inhibitions, and of Abbreviates of Adjudications, I hope that the favourable Report of the Committee of the Court will lead to the speedy Adoption of the several Measures recommended in the First and Second Annual Reports.

II.—LOCAL REGISTRIES.

Your Lordship is aware, that in the Formation of the Records of Deeds, Probative Writs, and Protests, in the Sheriff Courts, and in the Courts of Royal Burghs, very important Changes have been introduced by the late Act "for better regulating the Public Records of Scotland." In what regards the Records in the Sheriff Courts, the Mode of their Formation, and the Plan of Controul provided by the Act, coincide with the Suggestions contained in my former Reports. In what regards the Records of Royal Burghs, there is a considerable Departure from those Suggestions; inasmuch as the Statute, instead of totally abolishing those Records, has placed them under certain Limitations, and established over the Keepers a System of Inspection and Controul, similar to that which has been provided in the County Records. Without entering into a full Detail of those Provisions of the Statute, I shall beg Leave to refer to a short Analysis of its various Contents in the annexed Appendix; and in what regards the Steps that have been hitherto taken for carrying the Act into Execution, I beg Leave to refer your Lordship to the Eighth and Ninth Quarterly Reports, and to the Circular Letters I have had Occasion to address to the several Keepers of the Local Registries. The most important perhaps of these preparatory Measures, has been the Introduction of a new Mode of marking the Books issued under your Lordship's Authority, to the Keepers of these Registries; and of this, an ample Explanation will be found under the last Head of the Ninth Quarterly Report. In future Annual Reports, it will become the Duty of the Deputy Clerk Register to enter into minute Details of the State of those Local Registries, as certified by the Sheriffs-depute and Chief Magistrates of Royal Burghs, in the Manner prescribed by the Act; and it is by the Publicity so given to the Conduct of the several Keepers of such Records, that the Controul provided by the Act is likely to operate with the most salutary Effect.

THO. THOMSON,
Deputy Clerk Register.

(W. 6.)

Report of the Committee of the Lords of Session.—March 1811.

APPENDIX, (W. 6.) Report of Lords of Session, 1811.

Report of the Committee of the Lords of Council and Session, appointed to consider the Third Annual Report of the Deputy Clerk Register.

THE Committee to whom it was referred to consider the Third Annual Report of the Deputy Clerk Register for the Year 1809, and to report their Opinion thereon to the Court, have carefully examined that Report, with the Appendix annexed to it, containing, in particular, the Quarterly Reports of Proceedings in Execution of the Orders of His Majesty's Commissioners on the Public Records of the Kingdom in Matters regarding Scotland; and have also conferred with the Deputy Clerk Register on various Matters contained or alluded to in the said Annual and Quarterly Reports; and they now submit to the Court the Observations which have occurred to them on the several Matters which have been thus brought under their Notice.

I. With respect to the pecuniary Establishment of His Majesty's General Register House, the Committee cannot refrain from expressing their Concern, as on a former Occasion, that any serious Deficiency should be experienced. To complete the necessary Arrangements in this great Repository of the Records of the Kingdom; to maintain it in a proper State of Repair; and in some Degree to anticipate or correct the incessant Injuries of Time and of Accident, on the vast Mass of Books and of Papers which it contains, are Objects of high National Importance; and it is therefore most earnestly to be wished, that the Means may be speedily provided for meeting that Expenditure, without which the Objects now alluded to cannot be attained.

II. From

APPENDIX, (W. 6.)
Report of Lords of Session, 1811.

II. From that Subject the Committee have peculiar Satisfaction in turning to the Operations which have been in Progress since the Date of the last Report, for the better Preservation of some of the Records in the General Register House, for which the Public are indebted to the Interference of His Majesty's Commissioners on the Records of the Kingdom. The Details of these Operations are given in the Quarterly Reports above alluded to; and while the Committee express their Approbation of the wise and liberal Policy by which those Measures have been dictated, they beg Leave particularly to mark the Satisfaction with which they have observed the Progress now made in repairing decayed Books and Papers, and in re-binding, in a very suitable Manner, some of the more important and voluminous Series of Records.

III. Another important Class of Measures, of which the Details are likewise to be found in these Reports, relate to the Transcription, Abridgement, and Publication of some of the more ancient or useful Records. In a former Report, the Committee had Occasion particularly to take Notice of the Abridgement of the Retours of Services, as a Work which promised to be of great Utility; and they have the Satisfaction of finding that great Progress has been now made towards its Completion.

Under this Head, the Collection of Royal Charters, and the Compilation of the Parliamentary Records, are particularly mentioned in the Third Annual Report, as in regular Progress; and the Committee have had the Satisfaction of observing the Advancement of these Two great Works. From the Dignity and high Importance of both, they are of Opinion that too much Pains cannot be bestowed in endeavouring to render them as perfect, in all Respects, as may now be possible: And, from what has been already done, they are persuaded that the Execution will prove not unworthy of the Design.

Besides the great Compilation of Parliamentary Proceedings, already in Progress, the Committee have peculiar Satisfaction in observing the Measures that are in contemplation for giving to the Public a new Edition of the Scottish Statutes, more complete and accurate than those at present in Use. From daily Experience, the Propriety and Expediency of such a Publication are abundantly apparent; and the Committee cannot too earnestly recommend the Prosecution of the Design.

IV. In pursuance of a Recommendation of the Committee on a former Occasion, there is given, in the Third Annual Report, a detailed Plan for the Compilation of Indexes of Reference to some of the more voluminous and useful Records. Of that Plan the Committee fully approve, and recommend its immediate Adoption, both in the Registers of Seisins, and in the Record of Deeds and Probative Writs in the Books of Council and Session.

V. With respect to the Register of Deeds, Probative Writs, and Instruments of Protest, in the Books of Council and Session, the Committee have had again under their Consideration the Propriety of consolidating the Three existing Series of Records, in the Manner proposed by the Deputy Clerk Register. Without any Interference with the pecuniary Interest of the present Keepers, it has been found practicable to carry this Measure into immediate Effect; and the Draught of an Act of Sederunt for that Purpose is annexed to this Report. By that Act several other Improvements will be also secured; namely, the Use of Books of Record properly *marked*, and of the best Quality, issued from the Lord Clerk Register's Office; the Use of Minute Books also *marked*, and of the best Quality; and the Compilation of Indexes of Persons, as recommended under the immediately preceding Head.

VI. As the Act of Sederunt for regulating the Registers of Seisins, recommended in a former Report, has not yet been passed, the Committee have again considered the Draught of that Act, and have added to it the necessary Provisions for the Formation of Indexes of Persons and Places, and they beg Leave to recommend its immediate Adoption.

VII. The Committee have also had again under their Consideration the Measures proposed in this and former Annual Reports, for better regulating the Registers of Hornings and Inhibitions; and the Draught of an Act of Sederunt for carrying those Measures into Effect has been approved of by them, and is annexed to this Report.

VIII. The Committee have had also under their Consideration the Draught of an Act of Sederunt for regulating the Register of Abbreviates of Adjudications, on the Plan suggested by the Deputy Clerk Register, and formerly recommended by this Committee; and they now propose it for immediate Adoption.

In the preceding Observations, the Committee have directed the Attention of the Court to such only of the Proceedings and Measures stated in the Third Annual Report as have appeared to call for immediate Notice or Interference. The System of the Public Records, subjected to the Controul of the Lord Clerk Register and his Deputy, branches out into so many complicated Details, as to require the utmost Watchfulness and Vigour to preserve the Whole in a sound State. The various Measures which have been recently adopted for the Improvement of the System appear, on the Whole, to be well calculated for the Ends in View; and, in concluding this Report, the Committee may again repeat their Assurance, that the Authority of this Court shall not be withheld from giving the fullest Efficacy to those Measures, and to all the existing Laws and Regulations for the Maintenance of the Public Records.

C. HOPE.
ALLAN MACONOCHIE.
W^M ROBERTSON.

(W. 7.)

The Fourth Annual Report of The Deputy Clerk Register of Scotland.—1810.

To the Right Honourable Lord Frederick Campbell, Lord Clerk Register.

IN the successive Reports which it has been my Duty to present to your Lordship, and to the Court of Session, I have endeavoured to give a general View of the more important Proceedings relative to the Public Records of Scotland, which had taken place during the Year to which each of those Reports particularly referred, and of such Measures of Alteration or Improvement on the established System, as appeared most immediately to deserve the Attention of your Lordship, or to require the Interference of judicial or legislative Authority. In the Report which I have now the Honour to present to your Lordship, the same general Plan shall be pursued; and in the Arrangement of the several Matters to which I am desirous that your Lordship's Notice should be drawn, I shall also continue to observe the same Method as formerly;—under each of the Two great Divisions of General and of Local Records, considering what regards the Preservation, Arrangement, and Custody of the Records already formed, distinctly from what concerns the Formation of the Records in Time to come.

I.—GENERAL RECORDS OF THE KINGDOM.

I. On the State of the Buildings of the General Register House, your Lordship will not expect that I should have it at present in my Power to say a great deal: being so fully aware of the Insufficiency of the Funds of the Establishment to meet even the ordinary Repairs of the House, much more to complete the various Alterations and Improvements which it would be highly expedient to execute. One important Improvement, however, to which your Lordship's Attention has been long particularly directed, and to which I had Occasion to allude in the last Annual Report, has been lately accomplished. I allude to the Erection of an Apparatus for heating the central Parts of the Building in which the Public Muniments and General Records of the Kingdom are deposited. For this important Purpose no adequate Provision had been made in the original Structure of the House; owing partly to this, that what now forms the principal Receptacle of the most voluminous Classes of Records, was destined, in the original Design of the Building, to another Use. To remedy this Defect was an Object of great Importance; for, in consequence of the decaying State into which so many of the Records of Scotland have been brought by the rude Accidents to which at different Times they have been exposed, but more especially by the wretched Accommodation afforded them before their Removal into the present Repository, they have been rendered much more susceptible of Damp, and require to be maintained at a higher Temperature, than if the Texture of their Materials had remained entire, or had been affected only by the slow Waste of Time.

In considering the most advantageous Mode of heating the great circular Saloon, with its contiguous and surrounding Apartments, the Exclusion of Dust and Smoke was a Condition of primary Importance; and, in this View, the Introduction of a Current of heated Air was obviously the safest and least exceptionable Mode of any that has hitherto been devised. From the great Extent and peculiar Form of the central Apartments of the Register House, great Doubts had been entertained by Persons of Skill, how far it was practicable, in this Manner, to raise and maintain the Temperature of the Place at that Degree which was requisite to any useful Purpose: but these Difficulties appear to have been over-rated; and, in so far at least as the Experience of a few Months can enable me to judge, there seems every Reason to be assured, that the Apparatus for heated Air, which has been erected by your Lordship's Directions, will be completely effectual.

II. The Alteration lately introduced by Act of Parliament, on the Form of recording and extracting the Judicial Proceedings of the Court of Session, has left several Apartments unoccupied, which may be usefully disposed of for the better Accommodation of some other Branches of the Public Records. The Records of the Commission of Teinds, which it would not, perhaps, be expedient to withdraw from the Custody of the Clerks of that Court, are at present crowded into one of the smaller Apartments, where the whole Business of the Office is carried on, in a Manner by no Means suited to their Importance, or very consistent with their Safety. These I should propose to remove into one of the larger Apartments lately occupied as an Extracting Room; and if it should be found compatible with other necessary Arrangements, I should think it desirable that a smaller contiguous Apartment should also be allotted to the Clerks of the Teind Court for carrying on their ordinary Business.

The Accomplishment of the Plan for consolidating the Three separate Offices for Registration in the Books of Council and Session, which may be now confidently expected, will lead to a considerable Change in the Occupancy of several Apartments; and will make it necessary to set apart some others for that important Branch of the Public Records. The Arrangement which has occurred to me as most expedient is, that the Justiciary Office should be

Appendix, (W.7.)

Fourth Annual Report of Deputy Clerk Register, 1810.

transferred from its present Place into another larger Apartment in the same Gallery, lately occupied as an Extracting Room, in order to make Way for the new Registry of Council and Session; and I have the Authority of the Lord Justice Clerk to state to your Lordship, that he fully approves of such a Transference, if the pecuniary Means shall be found for carrying it properly into Execution. It is here that the main Obstacle occurs to the several Measures of this Description which I have now ventured to suggest, as well as to some others of the same Kind, which I should have otherwise long ago submitted to your Lordship's Consideration. It is irksome to be thus under the Necessity of recurring so often to the Topic of pecuniary Difficulty; but it is one which unhappily presents itself at almost every Step, and as to the Consequences of which I cannot more forcibly express myself than in the Words of the Committee of the Lords of Session: "To complete the necessary Arrangements in this great "Repository of the Records of the Kingdom; to maintain it in a proper State of Repair; and, in some Degree, "to anticipate or correct the incessant Injuries of Time and of Accident, on the vast Mass of Books and of Papers "which it contains, are Objects of high National Importance; and it is therefore most earnestly to be wished, "that the Means may be speedily provided for meeting that Expenditure, without which these Objects cannot "be attained."

III. With respect to the minute Arrangement of the Books of Record, and the other miscellaneous Contents of the General Register House, it seems unnecessary in this Place to enter into any Details. One of the happy Effects of re-binding so many of the older Registers has been to render them much less bulky than they were before in their comparatively loose and incompacted State, and thus to admit of various Alterations in placing the more voluminous Classes of Records. The ultimate Consequences of these Operations, in the Economy of Space, and in the more systematical Disposition of the whole of the Records, will, I trust, be very great.

Among the Objects of my particular Attention, I ought not to omit the Collection and Arrangement of the Original Public Documents and Papers which are yet preserved in the General Register House. The Loss or Destruction of the far greater Part of this important and interesting Class of National Muniments is a Fact, as to which unhappily there can be no Doubt, and which has been often the Subject of just and deep Lamentation. That the whole of the Public Records and National Muniments preserved in the Royal Archives of Scotland at the Death of King Alexander III. were swept away by the hostile Policy of Edward I. we know from authentic Evidence; and among the most curious Documents of that Period which yet remain, may be reckoned the Instruments and Inventories which were framed in relation to the Removal of those Records. Of the intentional Destruction of any of them there is certainly no Evidence; and from the few which yet remain in the Chapter House at Westminster, it seems more probable that the Rest have perished by Neglect and the gradual Ravages of Time. That any of them were restored to Scotland, after the Expulsion of Baliol, seems improbable; and the only Reason for any Doubt on this Head, of which I am aware, is to be found in the Treaty of Peace concluded between the Kingdoms in 1328, commonly called the Treaty of Northampton, the Originals and Records of which are preserved in the General Register House. It was one of the Articles of that Treaty, "That all Writings, Obligations, Instruments, "and other Muniments touching the Subjection of the People and Country of Scotland to the King of England, "together with all other Instruments and Privileges touching the Freedom of Scotland which might be discovered, "should be given up and restored to the King of Scots, so soon as they could be found, according to a special "Indenture or Inventory thereof." These formed undoubtedly the most important and interesting Class of the national Records; yet they certainly were but a small Part of what Edward I. had taken Possession of; and if the other Classes of Records were still in the Hands of the English, it seems strange and unaccountable that their Restoration should not likewise have been made a Condition of the Treaty. Certain it is, that in the General Register House there does not now exist a single Fragment of any Public Instrument or Record anterior to the Accession of Robert Bruce in the Year 1306.

Even from that Period, comparatively recent in the History of Scotland, the Number of Original Public Instruments which remain, independently of the Record of Private Rights, is very inconsiderable. Of the History and Extent of the successive Injuries which, in common with other Classes of Records, they may have sustained during the Fourteenth, Fifteenth, and Sixteenth Centuries, very little can be traced; and their usual Deposition in the Castle of Edinburgh, a Fortress deemed impregnable, ought to have protected them from all Injuries but those of Time. And undoubtedly the most fatal in its Consequences of all the Disasters which had befallen them since the Time of Edward I. was their Removal from the National Archives during the Civil Wars, in the Seventeenth Century. On the Surrender of the Castle of Edinburgh to the English Forces under Cromwell, in December 1650, it was made one of the "Articles of Rendition *"—"that the Public Registers, Public Moveables, Private "Evidences, and Writs, should be transported to Fife or Stirling, and that Waggons and Ships should be pro-"vided for the transporting of them." In the Month of August 1651, when Stirling Castle was surrendered to the English Army under General Monk, the Governor made an ineffectual Attempt to stipulate "that the Re-

* See "The Articles of Rendition of Edinburgh Castle to the Lord General Cromwell, &c. Dec. 24. 1650.—Published by Authority."—London, 1650—4to.

"cords

"cords of Scotland might be conveyed to some other Garrison;" and on taking Possession of it, there was accordingly found "all the Records of Scotland, the Chair, and Cloth of State, the Sword, and other rich Furniture "of the Kings," &c.* These Records were soon afterwards transported to the Tower of London.

In September 1653, upon a Report from the Council of State, it was ordered by the Parliament, "that such "Registers as concern private Persons' Rights, Securities, and Conveyances of Lands, Bonds, and Contracts "between Party and Party, with their Warrants, and all Process of Plea, be sent back to Scotland, to be disposed "of as the Commissioners for the Administration of Justice there shall find expedient for the good of that Ser-"vice; and that such as are of Public Concernment, and for the Benefit and Advantage of the Commonwealth, "be preserved and kept †." This partial Restoration of the Records of Scotland does not appear to have been actually accomplished till the Year 1657, when in pursuance of several successive Orders of the Protector and Council, a Separation was made of the Registers and Records of a private Nature, from those of a public Nature, and the former were delivered over by Mr. Ryley, the Keeper of the Records at the Tower, to Sir Archibald Johnstoun of Waristoun, Lord Clerk Register, to be deposited in the proper Apartments in the Castle of Edinburgh. From the Inventory subscribed by these Officers, and which comprehends Registers of Charters, Signatures, Deeds, Decreets, Seisins, Lawburrows, Suspensions, Acts of Caution and Consignation, Comprisings, Valuations of Kirks, Hornings, and Inhibitions, and some others, being in all about 1,600 Volumes, it appears that they were brought back, and are now extant in the General Register House.

The other great Class of Records, more permanently valuable as National Muniments, and as the Basis of Constitutional History, were not in this respect so fortunate. It is well known, that after the Restoration, all that then remained, or were supposed to remain in the Tower, were shipped on board a Frigate, in order to be brought back to Scotland; and that of this Cargo eighty-five Hogsheads were in a Storm shifted out of the Frigate into another Vessel, which sunk with its Cargo at Sea ‡. From this Wreck there escaped several most important Classes of Records, particularly those of the Parliament and of the Secret Council; but the Want of any Inventory of the Whole must leave us for ever in the Dark as to the real Extent of the Loss which was then sustained. Among the lost Records, however, we may probably reckon the Rolls of the greater Part of the Charters of Robert I. and David II. which were extant in the Reign of James VI. and which were not among the Registers delivered to Lord Waristoun in 1657; and the far greater Part of the Original Instruments of a public Nature, which must be presumed to have existed in the Archives of the Kingdom, at their Removal from Scotland in 1651 §. It would be otherwise difficult to account for the inconsiderable Number of Original Documents of this Nature which are now to be found in the General Register House.

At the same Time it cannot be disguised, that among the Causes to which the Disappearance of such Documents may be traced, not the least powerful and fatal has been Neglect. To say nothing of what may have occurred at earlier Periods, or of the Accidents which may have attended the hurried Transference of the Records from Edinburgh to Stirling, and the successive Removals which preceded their ultimate Restoration to Scotland, it does not appear that even after this last Event, a becoming Degree of Anxiety was awakened for the Preservation and Arrangement of those national Muniments, which, from being unconnected with private Rights, were not immediately subservient to the Interest of Individuals. In the Year 1676, the Registers or Books of Records were arranged and entered in an Inventory, in pursuance of a special Order of the Court of Session; and further Orders were then given for the Arrangement of the Warrants of these Records. But it does not appear that any particular Care was bestowed on those detached Instruments and Papers of a public Nature to which I have been directing your Lordship's Attention. In a Paper drawn up by Mr. James Anderson, the Editor of "Diplomata "Scotiæ," which now lies before me‖, some strong Statements on this Subject are given. He insinuates, with what Degree of Justice I do not pretend to determine, that during the Period preceding the Revolution, there prevailed an Inclination to suppress or destroy such ancient Deeds or Records as might have tended to illustrate the ancient Freedom of the Constitution; but his Authority is of greater Weight when he informs us, that at a subse-

*See "A Letter of the Surrender of Stirling Castle, &c. with the Articles at large, for Surrender of the same.—Published by special "Order."—London, 1651—4to.

† See "Proceedings relating to the carrying back into Scotland several of the Scottish Records," in Ayloff's Calendars, &c. p. 351.—Journals of the House of Commons, Vol. 6. p. 316.

‡ See, in the Registers of Parliament, in the General Register House, B. xxv. Fol. 11,—January 11, 1661, Two Acts, exonerating the Persons to whose Care the Records had been committed. A Part of the Evidence taken on the Subject is preserved among the Warrants of the Parliamentary Record.—See also Return of the Lords of Session to an Order of the House of Lords relative to the Scottish Peerage, Feb. 27, 1740.—Acts of Sederunt.—Edinburgh, 1790.—p. 348.

§ That some of the Deeds and Instruments of the Kind here spoken of may have been embezzled by Individuals, before their Transportation to England, is not improbable. In a Manuscript by Mr. James Anderson, it is stated apparently on traditional Authority, that the subtile Seizure of the Public Records by Cromwell, "made some take what they could of them, thinking it no Trespass or Wrong in such "a Case."

‖ This Paper, in the Hand-writing of Mr. James Anderson, is entitled, "Note of my Collections, when, how, and why made." It is dated London, December 1714.

quent

quent Period, when his own Researches afforded him the fullest Opportunities of Observation, the detached Instruments and Papers were suffered to remain "in Heaps or in Barrels*;" and that he himself had "found valuable "Papers loose upon the Ground, and treading under Foot, which probably, if known, would have gone the Fate "of others. What yet may remain," he adds, "if duly looked after, I know not, there being many loose "Papers uninventoried: but the Place where they are kept being dark and very unwholesome, and few or none "applying themselves to that laborious Work, may make many Things in our Records obscure."

The Reality of this Indifference and Neglect does not rest solely on the Authority of Anderson. In the Return of the Lords of Session to an Order of the House of Lords in 1740, already referred to, it is stated among the Apologies they had to offer for the imperfect Information to be obtained from the Records as to the actual State of the Peerage, that besides the total Loss of Eighty-five Hogsheads of Records in 1660, "Ten Hogsheads more of "the Records brought down from London at that Time, lie still unopened in the General Register House, through "some Neglect of the Officers to whose Charge they were committed, that cannot well be accounted for*." In the Year 1753, the neglected State of these Hogsheads attracted the Attention of the Faculty of Advocates, and of several eminent Writers to the Signet. On an Application to the Court of Session in the Name of the Dean and Faculty, a Warrant was granted for their Examination in a convenient Place, by several Persons of Skill; and a Report of this Search was afterwards presented to the Court by the Dean and Faculty. This Report stated, that Messrs. George Chalmers, Samuel Mitchelson, and William Tytler, Writers to the Signet, attended by several other Gentlemen, and by James Ker, the Lord Clerk Register's Deputy Keeper of Records, "had inspected the "Papers contained in Five of the above Hogsheads, and put such of them as were useless again into the Hogs-"heads: that such as appeared to be of Value they put in separate Parcels, with Labels expressing their general "Titles, such as Royal Letters, Commissions, Charters, Retours, Seisins, Decreets of Valuation of Teinds, &c.; "and delivered the same to the above James Ker, to be kept in some Place in the Laigh Parliament House. That "their Time would not allow them to make particular Inventories; but that James Ker had made an Inventory of "the Decreets of the Valuation of Tithes, which appeared to be the most necessary:—And that it would be of "great Advantage to the Public, that some Method were devised for inspecting the remaining Hogsheads, and "for making exact Inventories of the Whole." For this Report the Gentlemen received the Thanks of the Court, and were requested to continue their Care and Inspection into the rest of the Hogsheads. I do not know that this Recommendation led to any immediate Consequences, or that any farther Research was made, till the whole of the Public Records were removed from the Lower Parliament House into the present Register House; when, after selecting what appeared to be valuable, the Remainder was deposited in one of the lower Apartments of the Building. In pursuance of your Lordship's particular Directions, these Papers have been again examined; and I have the Satisfaction of stating, that, after carefully sifting this half putrid Mass, a few curious and valuable Documents have been found. With respect to those which had been selected from the Hogsheads in 1753, it appears that the Parcels, in which they were then very hastily and confusedly put up, had been laid aside without further Examination. The Whole has been now carefully inspected; every Document of a public Nature has been separated from the Mass; and, together with the other original Instruments of this Class preserved in the General Register House, they have been arranged in Chronological Order, and entered in a Calendar or Repertory, similar in Form to that of the Records relating to Scotland in the Chapter House at Westminster, compiled by Arthur Agarde in the Reign of James VI. To the Contents of this List I am afraid no considerable Additions are likely to be made; and, imperfect as it is, I persuade myself that its Publication will be gratifying to the curious, from whose Notice this Class of national Muniments has been hitherto almost entirely withdrawn †. I may here add, what indeed might be inferred from the preceding Account, that many of these Original Instruments are now in a State of Decay, and some of them much mutilated, and nearly illegible. In so far as they admit of being repaired, the utmost Pains shall be bestowed to save them from further Injury or Mutilation.

IV. As connected with the Arrangement and Disposition of the Records in the General Register House, it may be proper here to take notice of an Application that has been made to me by the Clerks of Session, relative to those Processes in the Court of Session in which the Decreets have never been, or cannot now be extracted; in which no Record of the Decreets can be formed; and which are therefore not regularly transmissible to the General Register House. Of these Processes a large and cumbrous Mass has gradually accumulated in the Offices of the different Clerks; for the ultimate Disposal of which there is no regular Provision by Law; but which it certainly seems expedient to remove from its present Situation. This Removal the Clerks of Session have urged as an indis-

* See Acts of Sederunt, Edin. 1790, p. 348.

† Many Illustrations of this Remark might be drawn from the Writings of the most intelligent and inquisitive Authors on the History of Scotland. As a striking Example, I may refer to the famous Treaty of Northampton in 1328. In his "Annals of Scotland," Lord Hailes says, that "the Original Treaty is not extant, neither is there any Transcript of it to be found; yet, from a careful Examination of Public "Instruments, and of the Writings of ancient Historians, it may be collected, that the chief Articles of the Treaty were these following," &c. Vol. II. p. 127. But it now appears, that the original Ratification of this Treaty is preserved in the General Register House; and, it is impossible to suppose, that it could have escaped the Researches of Lord Hailes, had its Existence been known at the Date of his admirable Work.

pensable

Appendix, (W.7.)

Fourth Annual Report of Deputy Clerk Register, 1812.

penable Measure; at the same Time it is obvious, that sufficient Space for the Purpose cannot with Propriety be given in the principal Apartments of the General Repository; and the lower Apartments of the Building could not be made fit for the Reception of these Papers but at a considerable Expence, to which the Funds of the Establishment are at present inadequate. Before any such Removal could take place, it would be also necessary that a complete Repertory of the Whole should be framed, by which any particular Process or Paper might be readily found: and I understand, that, in this preparatory Measure, no considerable Progress has been yet made by the Officers in whose Custody these Records are now placed.

V. I have peculiar Satisfaction in reporting to your Lordship, that the Execution of the Measures for the better Preservation of the Records in the General Register House, under the Sanction of His Majesty's Commissioners on the Public Records of the Kingdom, have proceeded, during the last Year, with increased Rapidity. From the minute Details given in the Quarterly Report for the Year 1810, your Lordship will find that the Registers of Secret Council prior to the Restoration have been the principal Subject of the more delicate and tedious Process of inlaying. Having shared the common Fate of the Public Records of Scotland during the Civil Wars, they appear to have suffered severely in the Course of their successive Removals; and it is probable, that some Parts of the Series were then entirely lost. The Proceedings recorded in these Registers are of the utmost Importance to the genuine History of Scotland during the Sixteenth and Seventeenth Centuries; and the Preservation and Arrangement of the Series, so far as it remains, seemed well worthy of every Pains that could be bestowed on it. The Operations for this Purpose, on that Part of the Record which precedes the Year 1660, were begun in the Month of July 1809, and were completed in the last Quarter of the Year 1810; the Number of Folios repaired and inlayed amounting nearly to Twelve thousand. The Whole of the Series, including those Volumes which have been of late deposited in the Justiciary Office, must be rebound.

The other Operation of rebinding Books of Record has also been continued with increased Rapidity. It has been chiefly confined to the Register of Seisins; and, in the Course of the last Year, Eleven hundred Volumes of that Record have been rebound in a substantial and suitable Manner.

The Measures I have alluded to, may be considered as in their Nature the most useful of any that could possibly be adopted with respect to the Public Records of Scotland. Of their general Propriety, every one must of course be satisfied: but of the Degree of that Propriety, I may rather say, Necessity, those only can be aware, who have had Occasion particularly to examine the State of our Records. The Subject is, in my Mind, so important, that I hope to be pardoned for here making a few further Observations upon it.

On examining the most ancient Records which yet remain to us, such as the Rolls and earlier Books of Royal Charters in the Fourteenth and Fifteenth Centuries, the Rolls of Public Accounts for the same Period, and some others, they will be found to have been formed of the finest Materials, and to have been written in the best Manner of the Times. As we descend to later Ages, almost every Species of Public Register and Record seems gradually to decline in Quality; and, had we not before us the most humiliating Proofs of the contrary, we might have been induced to conclude, that long before the Close of the Eighteenth Century, the Keepers of Records had reached the lowest Point in the Scale of Deterioration. The radical Cause of this Evil may be traced to the Practice which has long prevailed, at least as to the more voluminous Records, of imposing the Expence of furnishing Books and framing the Records as a Burden on the general Fees and Emoluments of the respective Keepers. In this Manner the public Duty and private Interest of the Keepers have been placed in Opposition to each other; the Chances of progressive Improvement have been counteracted; and the increasing Price of every Article necessary to the Formation of a perfect Record, has been always at hand as a Pretext and Apology for any perceptible Decline in the Quality of the Materials, or in the Mode of Execution. Even in those Records, where the Books have been issued from the General Register House, but where they are in like Manner paid for by the several Keepers, the same Circumstances have had an Influence in occasioning their gradual Deterioration.

In no Part of the necessary Expence of framing the Public Records, has there been a more ruinous Economy than in the Article of Binding: and, in this Particular, it must be admitted, that, with some inconsiderable Exceptions, the Records of the Sixteenth and Seventeenth Centuries have been originally as defective as those of later Date*. Few of them have had any other covering than of loose Parchment or "misused Vellum;" and, from the

* On this Subject there is to be found a mortifying Testimony in the Writings of an English Lawyer of considerable Note, who had an Opportunity of observing the State of the Records of Scotland during the Period of their Detention in the Tower of London. The Author to whom I allude is Fabian Philippe of the Middle Temple, Esq., who has left behind him several Treatises on the Impolicy of establishing in England a Registry of Deeds and Conveyances. One of these is entitled, "The Reforming Registry; or a Representation of the very many "Mischiefs and Inconveniences which will unavoidably happen by the needless, chargeable, and destructive Way of Registries proposed to "be erected in every County of England and Wales, for the recording of all Deeds, Evidences, Mortgages, and whatsoever may incumber "the Sale or Settlement of Lands not being Copyhold, &c.—the greatest Part thereof being written in the Year 1658.—London 1671." In his Zeal to counteract the pestilent Example of Scotland, the Author has bestowed a great deal of Pains in endeavouring to explain and expose our System of Registration, in a Tone of Violence and Prejudice which can now only excite a Smile. The following Passage, though deeply

Appendix, (W. 7.)

Fourth Annual Report of Deputy Clerk Register, 1810.

the very inartificial and imperfect Manner in which the Books have been compacted, their Leaves are either altogether detached from the Cover, or in hazard of falling to pieces on every Occasion of using them. Even in the most valuable Classes of Records, in those, for example, of the Lords of Council, or in the Registers of the Secret Council, the Decay of this miserable Binding has, in many Instances, occasioned the total Loss of Leaves and Parts of Volumes, and, in many more, a Degree of Confusion in the Arrangement of the broken Fragments that remain, which it has often required the Labour of Days to unravel. In later Times the Mode of binding has been somewhat different; but, in the primary Qualities of Strength and Durability, it has been at least equally defective; and, in general Appearance, it has been, if possible, still more mean and unworthy of the Public Records of a civilized Country.

These Observations I have thought it proper to make, in order to shew in its true Light and Utility the Importance of the Measures which His Majesty's Commissioners have been pleased to sanction, for repairing and rebinding certain Classes of the Public Records of Scotland. Of the Existence of the Evil, your Lordship has been long aware; but it was an Evil to which, in your official Capacity, your Lordship had not the Means of applying any adequate Remedy. Its Extent was, indeed, so formidable, that the Application of any effectual Remedy had been usually considered as chimerical and desperate. Looking, however, to the Importance of the Object, there was certainly no good Reason for Despondency. The Operations of repairing a great many of the more ancient Records, and of rebinding a considerable Proportion of the Whole, were obviously of a tedious and expensive Sort; but, in comparison with the obvious Advantages of the Measure, that Expence cannot be regarded as any Objection, or even as any serious Obstacle to its Execution; and of this I am persuaded, that no other Expence of equal Amount could be so usefully bestowed on the Records of this Part of the Kingdom. In stating these Views of the Subject, I derive much additional Confidence from knowing that they coincide with the Sentiments of the Judges of the Court of Session, whose Committee, in Two successive Reports, have expressed "their peculiar Satisfaction in observing the Operations now in Progress for the better Preservation of the Records of the General Register House, for which the Public are indebted to the Interference of His Majesty's Commissioners on the Records of the Kingdom;" and who, while they applaud "the wise and liberal Policy "by which these Measures have been dictated," have "expressed their earnest Hope that they may experience "no Interruption until this important" national "Work shall have been fully completed."

VI. In the Quarterly Reports to His Majesty's Commissioners for the Year 1810, your Lordship will continue to remark the Progress that has been made in printing some of the more ancient and valuable Records preserved in the General Register House, and in framing and printing Abridgments and Indexes of some others:—a Class of Measures to which I have alluded in my former Annual Reports, but the Importance and general Interest of which may justify a more ample Account of their Nature and Objects.

1. From their Dignity and general Importance, the first Place is due to the Records of the Parliament of Scotland; of which a Collection from the earliest Period down to the Union of the Kingdom with England in 1707, has been undertaken, and is now in a State of regular Progress. In the Plan of this Work are comprehended not only the Statutes and Public Ordinances of the Legislature, but every other Proceeding of a judicial or administrative Nature, of which any authentic Record is preserved; and in this Respect it is vastly more extensive than any of the Compilations projected or partially executed at former Periods.

---

deeply tinged with Exaggeration and national Contempt, is but too well warranted by the exterior Appearance of the Records to which he alludes. After stating in detail the Fees of different Sorts of Registration and Law Procedure, the Author proceeds:—"The Poverty, "Peasantry, and Vassalage of the Tenants, and common Sort of People of that Nation, their great Want of Money and Silver, which may "make smaller Fees to be big and unwieldy; and that more Labour may be had there for a little Money where it is scarce, than where it is "more plentiful, may without any Force or Imposition put upon any Man's Belief be understood to be so large enough and sufficient, as "that they might have bestowed a better Care and Dress upon their Records and Registries of their Law Matters, then by their homely "recording and registering of them, to render and expose them to be but rather as so many Abortions, Out-casts, and Neglects of Time, then "Records and Registers, which being for the most Part (some few little Parchment Bukes of Memorials only excepted) but clad in Paper, "and reaching very little beyond One hundred Years last past; and their Writs and Process as so many Scraps and Fragments, nastily "crouded and crammed together, in sordid, broken, and tattered Pokes, as they call them, or little Bags of misused Parchment or Canvas "made them whilst they were in the Tower of London, (though with great Pains and Care there put into a more cleanly and orderly "Custody), seem to be but as the Miserage of Records and Registries, and Deformity itself imprisoned and taken Captive."—p. 287—9.

Some Account of the Author, from whose Writings this Quotation is made, may be found in Wood's Fasti Oxonienses, Vol. II. Edit. 1721, Col. 3.—and in Biographia Britannica, Vol. V. From the general Style and Spirit of his Work on Registration, a Reader of the present Day will not be disposed to rate his Understanding very high; at the same Time it should not be forgotten, that even in Scotland similar Prejudices were then but lately exploded. In the Year 1609, the Scottish Convention of Estates passed an Act abrogating the Register of Seisins (which had been first established by Statute in 1600)—"the same Register serving for little or na uther Use then to "acquire Gayne and Commoditie to the Clerkis Keiparis thairof, and to draw His Majesties good Subjectis to neidles, extraordinarie, and "most unnecessair Trouble, Tormoyle, Fascherie, and Expense, howsoever the generall Wele and Benefite of the hole Estaite wes pretendit, "at the making of that Statute." This clamorous Denunciation of a Record, which was re-established by Act of Parliament in 1617, and which has been since regarded as an Object of national Pride, must be ascribed in part to political Animosity against the Secretary Elphinston (Lord Balmerino) by whom its original Establishment had been promoted, and who had then recently fallen from his official Power and Influence.

In

Arrestment, (W. 7.)

Fourth Annual Report of Deputy Clerk Register, 1816.

In the Course of the Fifteenth, Sixteenth, and Seventeenth Centuries, there may be traced a very interesting Series of Attempts to rescue from the Injuries of Time and of Accident the more ancient Laws of the Realm; to restore them to a State of Purity and Authenticity; and ultimately to reduce the Whole into a more systematic Form. Indeed the main Object in view seems to have been, not so much to restore the genuine Text of those Treatises and Compilations of Law which were then currently in use, or to distinguish those Parts that were Authentic from such as were Spurious or Apocryphal, and thus to ascertain what actually was the Law of the Realm; as to consider and determine what it was expedient to adopt as Law, and what Alterations and Amendments it was desirable to introduce into the Municipal Code.

As early at least as the Beginning of the Fifteenth Century, various Collections of ancient Statutes and Ordinances, blended with legal Treatises and Compilations of very questionable Authority, appear to have been current in the Country, and to have obtained a certain Degree of Credit in Courts of Justice. Of these Collections and Compilations there was no fixed Standard or Record; and the "Fraud and Guile" which were occasioned in Judicial Proceedings by the Want of an Authentic Code, was one of the many Subjects of useful Reform which engaged the Attention of the Legislature in the Reign of James I. In March 1425-6, "It is sene spedful and ordanit be "the King and the Parliament, that Sex wise and discrete Men of ilkane of the Thre Estatis, the quhilkis knawis "the Lawis best, sal be chosyn, quha (sen Fraude and Gyll awe to help no Man,) sal se and examyn the Bukis "of Law, that is to say, Regiam Majestatem and Quoniam Attachiamenta, and mend the Lawis that nedis "mendment*."

It would be here out of Place to consider how far any legitimate Inferences may be drawn from the Terms of this Act, respecting the Authenticity of those well known Treatises which are here specified as giving a general Name to the "Bukis of Law," which were to be the Subject of Examination and Revision. Of the actual Failure of the Attempt to establish a correct and uniform Text we may judge from the various Manuscripts of those Books, posterior in date to the Statute 1425, which are yet preserved, and which exhibit a wide Diversity of Readings in numberless Instances. Indeed the Growth of this Evil appears not to have been checked; and, in the Reign of James III. the Plan of a general Revision of the Laws and Statutes of the Realm, and of a Digest of the Whole into one Code, was again taken up by the Legislature. Among the various Matters which, in the Parliament, Nov. 20, 1469, were referred to a Committee of Twelve to "avise and commone" upon, and to report to the next Parliament, was the following: "Item of the Reductione of the Kingis Lawis, Regiam Majestatem, Actis, Statutis, and "uthir Bukis, to be put in a Volum, and to be authorizit, and the Laif to be distroyit†."

It may be regarded as fortunate that this rude Project, like the former, proved abortive. Of the Labours of the Committee nothing appears on Record; and it may be presumed that this authoritative Compilation was abandoned as an impracticable and hopeless Attempt. There is, at least, no Doubt, that "the Laif" escaped that Destruction to which, on the Completion of the projected Code, they had been destined by the Scottish Parliament.

In the succeeding Reign of James IV. a more useful and practicable Design was conceived, for giving Publicity not only to the Laws of the Kingdom, but also to its Historical Monuments and Ecclesiastical Rituals. In the Year 1507, the Art of Printing was introduced into Scotland under the Royal Auspices, avowedly for the Purpose of "imprenting within our Realme the Bukis of our Lawis, Actis of Parliament, Croniclis, Mess Bukis," &c. and exclusive Privileges were conferred on the first Printers for their Encouragement and Support in the Execution of these National Works. These, however, had not proved an adequate Inducement to the Publication of the Acts of Parliament; and it was not till the Year 1541, that any Part of the Scottish Statute Book appeared in Print. A Selection from the Acts of several Parliaments of James V. was then published by Legislative Authority; and, at the Distance of Twenty-four Years, this was followed, in 1565, by the Publication of the Acts of a Parliament of Queen Mary, in 1563.—But the Utility of a more extensive Compilation of the Laws and Statutes of the Realm began at length to be strongly felt; and in 1566, on the Suggestion of the celebrated John Lesley, Bishop of Ross, there was issued a Commission by the Queen under the Great Seal, setting forth the Necessity "that certane leirnit "wyse and expert Men quhilkis best knawis the Lawis sould be chosin to see and examinat the Bukis of the Law "and set thame furth to the Knawlege of Her Subjectis;"—and appointing the Chancellor, and other Officers of State, together with certain Lords of Session and Advocates, to be Her "Commissaris in that Part,"—"gevand to "them (as Persounis of quhais Science and Experience in the Lawis of the Realme, Her Majesty speciallie dois "confide and is assurit of thair Industrie and trew Diligence in executing and perfyting of Hir Command and "Chargeis) full Powar and Autoritie, expresse Command and Charge in Her Name and Behalf, to visie, sycht, and "correct the Lawis of this Realme maid be Her and Her maist nobill Progenitouris, be the Avise of the Thre Estatis

* Acta Parliamentorum Jacobi I.—11 Martii A. D. 1425,—10.

† Acta Parliamentorum Jac. III.—Nov. 20. A. D. 1469,—20. The Act here referred to is not printed in the First Edition of the Statutes 1566, 1; In that of Sir John Skene, in 1597, it is erroneously given as a Part of the Proceedings of a Parliament in 1487. This is one of the very few Additions made by Skene to "the Black Acts."

"in

" in Parliament haldin be thame, beginnand at the Buikis of the Law called Regiam Majestatem and Quoniam Atta-
" chiamenta, and swa consequentlie following be Progress of Tyme unto the Dait of this Commissioun: Swa that
" na uthers bot the saidis Lawis sychtit mendit and correctit be Her saidis traist Counsalouris and Commissaris, or
" ony Sax of them, conjunctlie, salbe be Her Privilege, Imprentit or have Place, Faith or Autorite to be allegeit
" and reheirsit afoir ony Her Jugeis and Justices quhatsumever in jugement and outwith." And Her Majesty fur-
ther " promits to cause this present Comissioun with all and quhatsumever Thingis quhilkis Her saidis Counsalouris
" and Commissaris be vertew heirof sall happin to do, performe, accomplische, and determinat, be ratifeit, apprevit,
" and perpetuallie confirmit be the Avise of the Thre Estatis in the nixt Parliament *."

Although the Plan was thus limited to that Portion of the Proceedings of Parliament which consists of general Statutes and Ordinances, yet the Execution of the Whole was found to be a Task of serious Difficulty: And, in the Preface to their Edition of the Statutes, it is stated, that, " in the undertaking of this Charge and Work, the " saidis Lordis thocht it maist expedient for the present to begin at the mending and furthsetting of the Actis of " Parliamentis haldin be Kingis James the first, secund, thrid, feird, and fyft, and be Hir Majesteis powar havand " and Hir self; and thairefter in all gudlie diligence to reik and extend thair cure to the emendatioun and publi- " catioun of the precedent and mair ancient lawis, the quhilkis, as they ar mair difficill to be decernit on, swa " thay requyre langar tyme to thair dew correctioun."

In the Execution of that Part of their Task to which the Commissioners confined themselves, they appear to have proceeded with a Degree of Dispatch which precludes the Supposition that due Pains or Care could have been bestowed on the minute Details of Collation and Correction. A Volume containing the Acts of Parliament from 1424 to 1564 was printed within Six Months after the Date of the Commission†; and although the subsequent Loss of some Parts of the Original Record, then extant, has unfortunately given to this Edition an adventitious Degree of Value and Authority, it is impossible to deny that it bears abundant Marks of that Precipitation with which it was thrown upon the Public. To the more arduous Part of their Task, the Emendation of the more ancient Laws, it does not appear that these Commissioners ever afterwards proceeded: and it may be presumed that the political Events of the following Year put an End to the Undertaking altogether.

Within a few Years afterwards, another Project was formed, resembling, in one of its leading Features, the abortive Attempt in the Reign of James III. for reducing the whole Body of the Law into One authoritative Code. In a Council, or Convention of Estates held in 1574-5, during the Regency of the Earl of Morton, the Chancellor and other distinguished Persons were appointed to assemble, and with the Aid of such Lords of Session and Advocates as they might think fit to associate in their Labours, " to visite the Bukis of the Law, Actis of Parlia- " ment, and Decisionis befoir the Sessioun; and drawe the Forme of the Body of our Lawis, ailsweill of that " quhilk is alreddy Statute, as thay Thingis that were meit and convenient to be Statute;" in the View of afterwards establishing, by the Authority of the Legislature, " samekell thairof as salbe found gude and allowabill,"—

---

* " Our Soverane Ladyis Commission for viseing, correcting, and imprinting of the Lawis and Actis of Parliament;"—dated May 1. 1566; prefixed to the First Edition of the Statutes.—The Commissioners were, " George Erle of Huntlie Lord Gordoun and Badyenach, our " Chancellar, Archibald Erle of Ergyle Lord Campbell and Lorne, James Erle of Murray Lord Abirnethy, James Erle Bothuile Lord " Hailis Chreichtoun and Liddisdaill, John Erle of Athole, Lord Balvany, Williame Erle Marchell Lord Keith, Johne Erle of Mar Lord " Erskin, Reverend fathers in God Johne Bischop of Ros Commendatour of Our Abbay of Lundoris, Alexander Bischop of Gallaway " Commendatour of Inchaffray, Adame Bischop of Orknay, Schir Richard Maitland of Lethingtoun Knycht, keipar of our Privie Seill, " Schir James Balfour of Pittindreich Knycht, Clerk of our Register, Schir Johne Bellenden of Auchinnoull Knycht, Clerk of our " Justiciare; Maister Williame Baillie Lord Provand, Maister John Spens of Condie, and Robert Chreichtoun of Eliok, our Advocatis; " Maister David Chalmer, Chancellar of Ros, and Maister Edward Henryson, Doctour in the Lawis," &c.

In the Preface to this Edition of the Statutes, it is said, that " albeit nane of all the Lords Commissaris can be praised aneugh and propor- " tionallie to thair Worthynes for the Travell and Diligence takin be thame in this present Edition and Outset, yit in speciall with all Menis " Favouris, Twa of the saidis Lordis ar to be remembrit and commendit: Thay are to say, ane Reverend father in God Johne Bishop of " Ross, Lord of our Soveranis Secreit Counsill and of Hir College of Justice, for his Suggestioun to our Soverane of this notabill Purpose, " earnestfull performing of the said Commissioun, and Cure in convening of my Lordis Commissaris his Colligis, and Liberalitie in the Furth- " setting of this Imprenting: And Schir James Balfour of Pettindreich, Knycht, Clerk of the Register, &c. for his sinceir, afald, and glaid " Concurrance to perfyte this Wark and Exhibitioun of the Originallis out of the Register, and making of thame patent at all Tymes, on " na wayis regardand his awin particulare outher Proffeit or Gloir, bot onlie the commoun Weill of the Realme."—The Writer of this Preface, and the Person upon whom the active Duties of Editor appear to have been devolved, was " Maister Edward Henryson, Doctour in " the Lawis;" in whose Favour the Queen granted an exclusive Privilege and Licence " to imprent, or cause imprent and sell, the Lawis and " Actis of Parliament, that is to say, the Bukis of Law callit Regiam Majestatem, and the remanent auld Lawis and Actis of Parliament " conseqtuentlie maid be Progres of Tyme unto the Dait of thir Presentis, viseit, sychtit, and correctit, be the Lordis Commissaris speciallie " deput to the said viseting, sychting, and correcting thairof, and that for the Space of Ten Yeiris next to cum." This Licence, dated June 1, 1566, is prefixed to the Edition of Statutes in that Year. The Record of the Instrument, in the Books of the Privy Seal, contains some Clauses and Expressions omitted in the printed Copies.—Doctor Edward Henryson was one of the Judges appointed on the first Establishment of the Commissary Court of Edinburgh in 1563. In 1565 he was appointed an extraordinary Lord of Session.

† Some Copies of the Book are dated October 16:—but the greater Number are dated November 28, 1566. During the intermediate Period, certain Acts, relative chiefly to the Suppression of the reformed Doctrines in Religion, have been cancelled.

" quhairthrow

"quhairthrow thair may be ane certane writtin Law to all oure Soverane Lordis Jugeis and Ministeris of Law to "juge and decyde be *."

The Conception of this Plan has been ascribed to the Regent himself, by Hume of Godscroft, the Historian of the House of Douglas; who says, "Hee set a foot a great good work, and would (no question) have seen it perfected, if hee had brooked his Regencie a while longer, which was the reducing of our lawes into a more easie forme, and method, than now they are. The Care of this," he adds, "was committed to, and the Task laid upon Sir James Balfoure, and Master John Skeene, Clerk Register, and Master of the Rols. The Work (as I am informed) was well advanced, but when he quit his Authority, they left off any further proceeding in it †." It would be a Matter of considerable Curiosity and Interest to trace the Proceedings which really took place in the Execution of this Work; but its History seems to have been lost Sight of, and nearly forgotten amidst the Cabals and Intrigues of that busy Period. That Sir James Balfour was one of the original Commissioners, is certain ‡; but it may be doubted how far a Person of his Age and official Rank, to say nothing of other Circumstances, was likely to be engaged in the Details of so laborious a Work, were it not for the remarkable Coincidence of the Plan, with that of a well known Collection from the Books of Law, Acts of Parliament, and Decrees of the Session which has been handed down in Manuscript under the Title of "Balfour's Practicks;" and which was printed in 1754. If I might be allowed to indulge in Conjecture, I should be inclined to suppose that the Conception or Project of this Digest of the Laws may have originated with Balfour; that his own Exile afterwards precluded him from continuing to take any Part in its Execution; that the active Drudgery of the proposed Investigation was devolved upon younger Men; and that the unfinished Result of their Labours is perhaps no other than the Volume of "Practicks" to which the Name of Sir James Balfour has been traditionally annexed §.

Certain it is, that at an early Period in the Progress of the Work, Mr. John Skene, who had then recently finished his academical Education abroad, was assumed as one of its Conductors; and continued to devote his Time to its Execution for several Years after. Of this Part of his Labours, he has indeed said nothing in any of his printed Works; but that such was the Fact appears from the Grant of an annual Pension out of the Thirds of Ecclesiastical Benefices, which was made to him in 1577; in which it is stated, "that forsamekle as our Soverane Lord, "be advise of his derrest Regent, haid chargeit Mr. Johnne Skene to serve and travell with certane utheris in "the revewing of the auld Municipall lawes of this realme, and of the Registeris of the Decreittis gevin be the "Lordis of counsale, with the actis of Parliament; to the effect that all being togidder considderit and sene, it "may be proponit to the States that thair sould be made ane certane Law, be the quhilk all our Soverane Lordis "liegis may be governit, in the quhilk the said Mr. Johnne haveand speciall command of the said Lord regent "hes this lang tyme bypast concurrit and diligentlie travellit, and hes bene thairby withdrawin fra the awaiting "upoun the said Sessioun, and likewise man attend ane lairge space heirefter upon the perfectioun of the said "werk already undertakin, be the quhilk he hes bene and wilbe abstractit and disapointit of his audience and "attendance in the said sessioun, quhairunto he addictit himself at his last arryving in this realme frome the "scullis, and in lykwise from his uthir cure office and industrie, quhairby he mycht advance himself to have "honest and proffitable furtherance for his sustentatioun;" and therefore, "that the said werk interprisit being

* The Act here referred to is preserved in the Registers of Secret Council, and is in the following Terms:—"Apud Halirudhous quinto "Marcii anno, &c. lxxiiii"——"Anentis the Sichting, Collection, and Reformation of the Lawis of this Realme."—"My Lord Regentis "Grace and Estattis presentlie convenit, understanding the Harm quhilk this Commoun Weill sustenis throw Want of a perfyte written "Law, quhairupoun all Jugeis may knaw how to proceid and decerne, Thairfoir it is thocht convenient and concludit, that thir Personis "following, thay ar to say, Johnne lord Glammis, chancellair, Williame lord Ruthven, thesaurare, Robert lord Boyd, Johnne lord "Hereis, James commendatare of Pittenweme, Maister Williame Baillie lord provand, president of the College of Justice, Maister James "Haliburtoun provest of Dunde, Maister Michaell Cheisholme burges of Edinburgh, and Johnne Patersoun provest of Couper, sall con"vene togidder in Edinburgh upoun the tent day of apryle nixtocum, and thair calling unto thame sic vtheris of the lordis of the Sessioun "or advocatis as thay sall think expedient, sall begin and visite the Bukis of the law, actis of parliament, and decisionis befoir the "Sessioun, and draw the forme of the body of our lawis alsweill of that quhilk is already statute, as thay thingis that were meit and "convenient to be statute, That the same being reportit agane to the estatis, it or samekell thairof as sall be found gude and allowabill may "be ratifiit and establisit in parliament, Quhairthrow thair may be ane certane written law to all our soverane lordis jugeis and ministeris "of law to juge and decyde be."

† History of the Houses of Douglas and Angus, by Master David Hume of Godscroft.—Edinburgh, 1544, in Folio,—p. 358.

‡ I presume that Sir James Balfour is the Person described in the Act of the Council as "James Commendatare of Pittenweme." Previously a Lord of Session, and Clerk Register, he obtained a Grant of the Priory of Pittinweem in Commendam, September 1567. In December 1567 he was promoted to the Place of President of the College of Justice; and, in the Records of the Court of Session, he is described thus: "M. Ja. Balfour, Commendatarius de Pettinveme Preses." He was superseded in that Office in April 1569: But there is no Reason to doubt that he retained the Priory of Pittinweem. These Circumstances would not have been deserving of Notice in this Place, had it not been heedlessly asserted by his Biographer, Mr. Walter Goodall, that Sir James Balfour was not one of the Commissioners named in the Act 1574, and that he was then in exile.—See Preface to Balfour's Practicks.—p. viii.

§ In the oldest existing Copy of this Work, which is preserved in the Advocates Library, and which I should conjecture to have been written about the Year 1600, Balfour's Name does not appear, except in a Hand comparatively recent. I am not at present aware of any Authority for ascribing it to Sir James Balfour more ancient than the Reign of Charles II.

" sa necessir for the commoun weill " may not " seis in default of expenis for sustenyng of thame quha sall " travell thairintill," &c.—a Pension is granted to him for his Life, out of the Revenues of the Abbey of Aberbrothock *. This Pension was, on the same Grounds, confirmed to Skene Two Years afterwards; but as that Confirmation might have been obtained through the Influence of Morton, it does not contradict the Assertion of Hume of Godscroft, that the Undertaking did not survive the political Elevation of its alleged Author. Whoever may have been its original Advisers and Supporters, the Idea of such a Digest was obviously suggested by the Compilations of Justinian; and in a Country where the Roman Jurisprudence was a favourite Object of Attention, and where the Materials of our own Municipal System were buried in Manuscripts and Records inaccessible to ordinary Students, it was not unnatural that " a Body of our Lawis," formed on the Roman Model, should be regarded as a most desirable Acquisition. Having apparently excited so much Interest and Expectation at the Time, it is surprising that this national Work should have left no distinct Traces of its Progress; unless it be supposed, that the crude and incomplete Collections of Skene, and his Coadjutors, are preserved to us in the Compilation ascribed to Sir James Balfour.

From the Accession of James VI. Selections from the public Acts of successive Parliaments were printed with some Degree of Regularity, and formed a Sequel to the Collection published in 1566. Still, however, it was felt, that much remained to be done for retrieving from Obscurity this Part of the Municipal Law; and in the Parliament at Edinburgh, June 1592, an Act was passed, ordaining the Chancellor, with the Assistance of some of the most distinguished Lawyers of the Time, " to visite the lawis and actis maid in this present Parliament, and all " utheris municipall lawes and actis of Parliament bygane, quhairof thair is registaris or autentik monumentis " extant; and to consider quhat lawis or actis necesserlie wald be knawin to the subjectis, quhilkis suld be kepit " and obeyit be thame; ande to mak thame inexcusable of ignorance, to caus the samen lawys and actis be copyt, " and autentik copies subscryvit to be deliverit to his hienes prentar †," &c. The Plan thus prescribed by the Parliament was similar in its Nature and Extent to that of the Royal Commission of 1566; unless perhaps in so far as it was modified by the perilous Discretion of determining " quhat lawis or actis necessarilie wald be knawn " to the subjectis, quhilkis suld be kepit and obeyit be thame." Among the Persons to whom this important Task was assigned was Mr. John Skene; who not long afterwards was advanced to the Office of Clerk Register, and upon whom the Execution of the Work appears to have been devolved. Like his Predecessors in the Reign of Mary, he did not find it expedient, in the First Instance, to go back to the earliest Period of " Registers and authentic " Monuments;" but like them commenced his Publication of the Statutes from the Return of James I. in 1424, and continued it downwards to December 1597. In that Portion of the Volume which contains the Statutes prior to James VI. he has followed closely the Edition of 1566, with the Omission of a considerable Number of Statutes which he must be presumed to have thought unimportant, and with the Addition of a very few, which do not certainly bear any obvious Characters of Preference to the former. In the Choice of Materials for the subsequent Part, he seems, in a great Measure, to have been directed by the successive Publications already alluded to ‡; and throughout the Whole, he would appear to have rarely consulted the original Records; and has, in many Instances, adopted the Errors of former Editions with heedless Servility §. With the Exception of those Statutes of most recent Date, which had not been printed before, he cannot be said to have added much to the Stock of public Instruction: but he had the Merit of proceeding afterwards to the more arduous Part of the Undertaking, and of giving to his Countrymen, for the First Time, a Collection of the more ancient Laws of the Realm. The Difficulties and Hazards of the Task must be, on all Hands, admitted to have been great; though his own

* The Pension granted to Skene was 10 Chalders of Meal annually. The Grant is dated at Dalkeith, June 10, 1577. It was ratified and confirmed in 1579. These Grants are recorded in a Register of Ecclesiastical Benefices preserved in the General Register House.

† This Act is intituled, " For visiting and causing of the lawes and actes of Parliament to be printed."—The Chancellor at this Period was " Johnne lorde of Thirlstane;" and the Lawyers appointed to assist him were, " Mr. Johnne Lindsay, parsoun of Menmure, (a lord " of Session from 1581 to 1597), Alexander Hay of Easter Kennet, Clerk of Register, (and also a Lord of Session from 1579 till his " Death in 1594), Maister Johnne Skene, advocat, Mr. George Young, archdeacone of Sanctandrois, Mr. Thomas Hammiltoun, " appearand of Preistfield, (afterwards first Earl of Haddingtoun), Maister Williame Scott, Directour of Chancellarie, and Maister Johnne " Hay, Sone and Deput to the said Clerk of Register."

‡ The latest of these sessional Publications certainly known to exist is that of the Acts of Parliament in Mary, 1584; but traces have been said to exist of subsequent Publications in 1588 and 1594. With these ends the Series of what have been usually known by the Name of The Black Acts.

§ The utility of this Publication, however, and the Merits of the Editor, appear to have been very favourably appreciated by his Contemporaries. In " the Conventioun of the Nobilitie and Estaites haldin at Halyrudhous the penult Day of Junij, anno 1598," the following Act was passed, " Anent the selling of the actis of Parliament."—" Oure soueraue lorde and estaitis presentlie conveuit considering with " what grit charges and expenis the haill actis of parlement maid be his haienes and nobill progenitouris of worthie memorie hes bene " imprentit be Mr. Johnne Skene, clerk of Register, and that nathing is mair necessar for the haill leigis of this realm nor the knawledge of " the saidis lawis and actis of parliament, that be the ignorance of the same they pretend not ane excuis for thair offence: Thairfoir his " hienes and estaitis hes remittit ordour to be takin be the Lordis of Sessioun how that the saidis actis alreddy imprentit may be bocht be " sic subjectis within this Realme as ar of that substance and habilitie to by the samyn: And declaris that quhatsuer in the said mater " salbe concludit be the saidis lordis sall haif the strenth, force, and effect of ane act of this present conventioun. Sic subscribitur. " James R."

statement of them certainly seems to be tinged with much Exaggeration. In a Dedication to the King, he has thus expressed himself:—"Constitutionibus tuo mandato in lucem editis, quæ in publicis regni tui Scotiæ Comitiis, post "Regem Robertum ejus nominis tertium, promulgatæ sunt (Acta Parliamenti vulgo vocant) cum in priscas et "antiquas leges, paulo diligentius inquirerem, incidi in Augeæ stabulum, quod ne Herculis quidem labore purgari "aut evacuari potest. Libri enim complures mihi objiciuntur; antiquæ quidem fidei, sed tinearum et blattarum "epulæ. In his multa, quæ antiquitatem nobis ignotam, et judiciorum formulas olim usitatas, nunc ab usu remo-"tas, sapiunt. Verba peregrina, prisca, obsoleta, et antiquata, quæ facilius admirari quam interpretari licet."—"In his quoque libris, scriptorum imperitia et negligentia, multa corrupta, divulsa, multa sparsim et confuse "digesta, quæ sensum corrumpunt, aut nullum reddunt. Verum tamen ab opere incepto non destiti."—"Ut "igitur ursus informem partum, lambendo informat; ita improbro labore, fructum aliquem, nescio an satis "solidum, et maturum, ad communem Reipublicæ usum, producere conatus sum. Quantum enim ipsius rei "difficultas, timoris attulit, tantum ademit ejusdem rei, a nullo adhuc tractatæ, nulliusque pede tritæ, tum novitas, "tum utilitas *."

In the Month of Auguſt 1607, Sir John Skene at length exhibited to the Parliament of Scotland the Fruit of these painful Researches and critical Labours, in a Volume prepared by him for the Press, containing the Treatises called Regiam Majestatem and Quoniam Attachiamenta, with several others of lesser Importance, and a Collection of Statutes prior in Date to the Reign of James I. at which his former Publication had commenced. This Compilation seems to have been received by the Legislature with high Approbation; and in an Act passed "In favouris "of the Clerk of Register, anent the prenting of the book callit Regiam Majestatem," it is stated, that "the auld "lawes of this realme befoir the dayes of King James the First wer almaist perisheit and not extant, and sua money "of thame as were extant wer writtin in paperis and were altogiddir uncorrect:"—And that in purſuance of former Acts and Ordinances to that Effect, the Clerk of Regiſter "hes be his gret travellis painis and expensis "visitit correkit mendit and reduceit in ane volum the saidis auld lawes of this realme befoir the dayes of King "James the First; the quhilk volum continand Regiam Majestatem and utheris lawes the said Clerk of Register "hes presentit befoir the haill estatis of this present Parliament; whilk they have conſiderit, and hes allowit thairof "as memorable and worthie actis to be prentit, wherewith and be the actis of Parliament maid sensyne the haill "leges of this realme sall be judgeit reulit and governit."

This Work, so long expected, and so anxiously desired by his Countrymen, was published by Skene in 1609, both in the Latin original, and in a Translation professedly executed by himself, "out of Latine in Scottish Lan-"guage." Of this latter Work he states in "the Epistle to the Reader," that "His Majestie being one benevo-"lent and loving King toward his subjects, willing them to knaw his lawes, hid and concealed fra them of before, "and to conforme their maner of living and obedience thereunto; and understandand that lawes cannot be "profitable to them wha are ignorant thereof, commanded me promoved be his Majestie, to the office of the "Clerk of Register, Councell and Rolles, to translate and convert the samine auld lawes forth of Latin in "English, that the samine may be knawine to all his subjects."—He afterwards adds, "Quhat I have done, I "remit it to thy judgment and censure: I have travelled meikill, and lang time; but how profitable I cannot "declare. I am the first that ever travelled in this mater, and therefore am subject to the reprehension of many, "quha sall follow after me; quhem I request maist friendlie to take in gude parte, all my doings. For my pur-"pose and intention was to correct, interpret, and reduce the auld lawes to their awin integritie, that they micht "be understand with some frute be all Our Soveraigne Lords lieges."

These Two Publications of our ancient Law appear to have been received by his Countrymen with all that Favour which their Editor so earnestly bespeaks. It may indeed be fairly doubted if any of his Cotemporaries were at Pains, by a critical Examination of the ancient Manuscripts, to form a just Estimate of their Merit: nor was it till a Period comparatively very recent, that the Labours of Skene were subjected to that Severity of "Reprehension" which he anxiously deprecates, and which, in the general Opinion, has ultimately reduced them to a very low Level in point of Accuracy and Fidelity. Of the Authenticity of Regiam Majestatem, and some of the other Portions of Skene's Compilation, a very unfavourable Opinion had been sanctioned by the Names of Sir Thomas Craig and Lord Stair; but the Fidelity of Skene as an Editor was I believe for the first Time seriously questioned by the late Lord Hailes; obviously because he was the first, who, with competent Qualifications for the Task, had the Curiosity and the Zeal to put Skene's Edition to the Test of Collation with the existing Manuscripts †. His Opinion, which

* Dedication prefixed to the Latin Edition of Regiam Majestatem.

† In a Tract, entitled, "An Examination of some of the Arguments for the High Antiquity of Regiam Majestatem," published by Sir "David Dalrymple (Lord Hailes) in 1769, the Author observes, "that many MSS. of Regiam Majestatem still exist, but they have never "been critically examined: This Labour, in itself irksome, was supposed to be unnecessary.—All Parties concurred in relying on Skene as "a candid and accurate publisher. I would not willingly derogate from the Labours of others, but Truth obliges me to observe, that, to all "Appearance, Skene was a careless, if not an unfaithful Publisher. From what MSS. it was that Skene published his Edition of Regiam "Majestatem, no one can with Certainty determine. Of the Tenor and Contents of those MSS. we can only judge by the MSS. which are "still extant; and if we judge by this Rule, we must conclude that Skene was a careless, if not an unfaithful Publisher."—Page 4.

was

Appendix, (W. 7.)

Fourth Annual Report of Deputy Clerk Register, 1810.

was received with Surprize and Reluctance, has been ever since gaining Ground so rapidly, that I presume there is now scarcely any one who will venture to dispute the Observation of that learned and candid Critic, that, "to "all Appearance, Skene was a careless, if not an unfaithful Publisher."

Although the intrinsic Defects of Skene's Editions of the Statutes and ancient Laws of the Realm appear to have been unknown to his Contemporaries, yet the Utility of a more extensive Collection seems still to have been plainly perceived; and, at the Beginning of the succeeding Reign, the Project of a systematical and authoritative Code of Municipal Law was again revived and prosecuted with much apparent Zeal. In 1628 a Commission was granted by King Charles I. under the Great Seal, repeatedly renewed, and finally sanctioned by Parliament in 1633, for authorizing a considerable Number of the most distinguished and learned Persons of the Age, "to "meitt and conveene at quhatsumever Tymes and Places convenient; and to reid, recognosce and consider the "haill Lawes, Statuites, and Actes of Parliament of the said Kingdome alsweill printed as unprinted, togider with "the Customes and Consuetudes of the said Kingdome quhilks ar and haue beine observit as Lawes withine the "same aither in the Civill or Criminal Iudicatoris; And quhilks haue beine receaved in practick by the Decreits "of the Lords of Sessione or Justice Generall: And to that Effect to caus be exhibit befor thame be the Clerk "of Register and Justice Clerk and thair Deputtes, The haill Registers and Rolles conteining the Lawes and "Actes of Parliament of the said Kingdome alsweill unprinted as printed, with the Registers of Decreitts and "Interloquutars of the Lords of Sessioun and Justice Generall, Togider with the Buikes intitulat Regiam Majes-"tatem, quhilk conteines ane Record of the auncient Lawes and Customes observit within the said Kingdom: And "efter dew Consideratioun thairof, to conclude and determine anent the trew Sense Meaning and Interpretatione "of all such Lawes and Actes of Parliament quhilks ar unclear and doubtsome in the selff, and may receaue "divers Interpretationes, And quhilk hes beine drawen in Questioun befor the Lords of Session in respect of the "Doubtsomnes and Uncleirnes thairof: And anent the printing of such Lawes and Statuites as ar not yett "printed; And anent the Omissioun of such Actes and Statuites as ar abrogat or become in desuetude and out "of Use: And siclyk to collect and sett downe the haill Customes and generall Consuetudes inviolablie observit "in the said Kingdome, alsweill in the Civill as Criminall Judicatories, To the Effect the samyne may be thair "Allowance Ratificatione and Approbatione be registrated in the Buikis of Parliament, and be maid notour and "knawen to the haill Liegis: Lykas his Majestie with Consent of the Estates presentlie conveined, finds and "declaris that the Acts and Ordinances to be aggried resolved and concluded vpon in the Premisses, and everie one "of thame, Togider with the generall Customes and Consuetudes quhilk be the Command and Authoritie of the "saids Commissioners, sall be ordanit to be registrat in the Buikes of Parliament, To have the Force and Autho-"ritie of a publick Law unto the Second and Thride Sessioun of the nixt enschewing Parliament quhilk sall be "haldin in this Kingdome: At the quhilk Tyme the haill Proceidings Conclusiones and Determinationes done "acted and concludit be vertew of this present Commissioun, Togider with the said generall Customes and Con-"suetudes quhilk sall happine to be allowed and approvine be thame as said is, sall be exhibite to the saids Estatis "of Parliament to be advysed and considerit be thame, And sall take finall Determinatione thair vpon," &c.*

It is to be lamented, that of the Proceedings under this Commission, all Traces seem now as completely obliterated as of those under the Regency of Morton; but we may fairly presume, that the Difficulties of the Enterprise were found on Trial to be insuperable, and that it was ultimately abandoned as desperate. Had the Advisers of this vast Project been contented to limit their Views to the humbler Object of collecting the scattered Fragments of the Statute Law of the Kingdom, and of selecting whatever was important in the Records of the Supreme Courts of Justice, without aspiring at the same Time to determine what was worthy or unworthy of Adoption into a complete and finished Code of Municipal Laws, they might have conferred a lasting and invaluable Benefit on Scottish Jurisprudence.

The total Failure of this gigantic Attempt does not appear to have led to the Adoption of any more limited or practicable Measure; and the Compilation of a more extensive System of Parliamentary and Judicial Proceedings has ever since remained among the Desiderata of Scottish Policy. In the Parliaments of July 1681, and of July 1695, Commissions for revising the Laws were issued, nearly similar in their Purport to those in the Reign of Charles I., but without any useful Result. In the Year 1679, the Royal Licence had been granted to Sir Thomas Murray of Glendook, Clerk Register, to reprint "the whole Acts, Laws, Constitutions, and Ordinances of

* The preceding Quotation is made from the Act of Parliament, June 1633, entitled, "Commission for surveying the Lawes." From the Preamble of the Act it appears that the First Royal Commission was dated at Whitehall, June 2. 1628; that "in respect of sundrie "interveining impediments the samyne had not takin the effect quhilk his Majestie wished, and thairfor his Majestie in the Convention of "Estaits haldin and begun upon the tuentie aucht day of July 1630 caused the said commissioun with the vtilitie and necessitie thairof to be "proponit to the saids thrie estaits; quha eftir dew consideratione &c. humblie desyred some mae persones out of ilk estait to be addit to "the former commissioners; conforme to the quhilk ane new commissioun was exped under the great seale of the dait the thretteine day of "october 1630 yeirs, quhilk was thaireftir renewed be ane new commissioun past under the great seale vpon the 18 of Januar 1631 yeirs: "Sen the quhilk tyme thaire hes beine divers meittings of the saids commissioners, and sundrie pointes and articles treated and commouned for "advancing of the samyne," &c. The Purpose of the Act 1633 is to confer additional Powers on the Commissioners.

"Parliament

"Parliament of the Kingdom of Scotland, both old and new;" but his Edition of the Statutes, published in 1681*, is copied implicitly from that of Skene in 1597, and from the subsequent Sessional Publications. This is the more unpardonable, that he professes to have extracted the Work from the original Records of Parliament; whereas, in fact, even the more accurate and ample Edition of 1566 does not appear to have been consulted. Yet it is this Edition, that, for more than a Century, has been usually quoted in all our Courts of Justice as a correct and genuine Code of the Laws of Scotland.

From the preceding Detail, an Idea may be derived of the Difficulties, as well as Importance, of the various Attempts which have been thus successively made to retrieve the more ancient Records of the Law of Scotland from that Obscurity and Corruption under which they have unhappily laboured. These Attempts, however, it must be obvious, have had an exclusive Reference to forensic Practice, and have aimed solely at the Establishment of an authentic Standard for the Decisions of Courts of Law. This is, undoubtedly, the most important Object to which such Researches can be made subservient; yet there are other Objects which, in due Subordination, ought not to be overlooked, or rather which may be said, from their comprehensive Nature, to embrace the former as an essential Part. Without attempting to analyze the various Considerations and Inducements which may here be supposed to operate, I am persuaded that all those whose Minds have been directed to such Pursuits will acknowledge the Propriety, and even the Duty of attempting to rescue from the Wreck of Time every genuine Fragment of Constitutional History and National Proceeding, however unimportant it may, on a superficial View, appear to be to the Business of common Life. The ancient Statutes and Ordinances of the Scottish Legislature, in many Instances, may have been abrogated, or may have lost their Force by Disuse; the Judicial Proceedings of the Court of Parliament may have ceased to be regarded as affording Precedents for the Guidance of modern Courts of Justice; and, in few, perhaps, of the other solemn Acts and Proceedings of the Great National Council will be found any Thing that now bears directly on the great public Rights and Interests of the Kingdom: But as essential Parts of the Civil, Political, and Domestic History of Scotland, as Facts illustrative of the early State and gradual Progress of Law, in all its Branches, as Links of that unbroken Chain which, at almost every Point, connects the more refined and complicated System of modern Policy and modern Manners with the rude Institutions and Customs of former Times, there are no Fragments of Parliamentary Record, however minute and apparently unimportant, which do not possess an intrinsic and permanent Value, sufficient to reward their Discovery and Preservation.

In these more extended Views of the Subject, the proposed Publication of the Parliamentary Records of Scotland will supply one of the greatest Desiderata in the History and Jurisprudence of the Kingdom; and even from the mutilated and imperfect State in which those Records are now found, very powerful Incentives might be drawn for carefully collecting whatever has yet escaped Destruction, and for preserving those Remains from future Accident, in the Mode of all others the most effectual, by committing them to the Press.

Under a previous Head of this Report, I have alluded to the almost total Loss of the original Records and Muniments of the Kingdom, prior in Date to the Reign of Robert Bruce; and in that Loss the Records of a Parliamentary Nature have had their full Share. Among those of which a faint Remembrance is yet preserved, in the Indentures and Lists drawn up by the Officers of Edward I. are several of this Class, particularly the following; "Unus rotulus de antiquis statutis regni Scocie;"—"Duo rotuli de legibus et assisis regni Scocie, et de legibus et "consuetudinibus burgorum Scocie, et de quibusdam statutis editis per reges Scocie;"—"Item, unus rotulus de "statutis regis Malcolmi et regis David;" not to mention many others of a judicial Nature. But of this First Period, with the Exception of a very few original Instruments, and some small Rolls of Placita in the Reign of John Balliol, still preserved in the Chapter House of Westminster Abbey, the only existing Remains of a Parliamentary Nature are to be found in Manuscript Collections of the Fifteenth and Sixteenth Century, in which they are usually combined with the Treatises of Regiam Majestatem, Quoniam Attachiamenta, &c. For the subsequent Period, from the Accession of Robert Bruce to the Return of James I. in 1424, the Proportion of original Record is much more considerable, and the Purity and Authenticity of the existing Copies greatly superior; yet here, as in the preceding Period, a great deal must depend on careful Collation and critical Selection, in any Attempt to retrieve the genuine Text of the ancient Statute Law of Scotland. In the great Work now in Progress under the Direction of His Majesty's Commissioners, the Remains of Parliamentary Proceeding, from the earliest Period to the Year 1424, are to form the Materials of the First Volume; as an Appendix to which will be included the Books called Regiam Majestatem and Quoniam Attachiamenta, &c. both in Latin and in an ancient Scottish Version; which, although of doubtful Origin and questionable Authority, have yet been so far recognised by the Legislature as "Books of the Law," and so long referred to in Courts of Justice, at least as Evidence of ancient

* The Printer to whom Sir Thomas Murray assigned his Privilege, published Two Editions, one in 12mo, and another in Folio. Of the Two, the last is the least inaccurate; having been purged of some of the more palpable typographical Errors of Skene's Edition, which have been retained in the former. Of the Acts of Parliament from 1681 to the Period of the Union in 1707, there is a Series of Sessional Publications in Folio and in 12mo, the latter of which is that in ordinary Use.

APPENDIX, (W.7.)

Fourth Anqual Report of Deputy Clerk Register, 1810.

Usage, that their Preservation in the most correct and authentic Form now attainable, has become an Object of manifest Propriety. The successful Accomplishment of this earliest Portion of the Parliamentary Work, is obviously surrounded with most formidable Difficulties; and the same Considerations which influenced the Labours of Henrison and Skene, and their respective Coadjutors, have likewise, on the present Occasion, rendered it more expedient to proceed in the first Instance to the Parliamentary Acts of James I. and his Successors.

Even at this Period, comparatively modern, the Records of Parliament have been found in a mutilated and imperfect State. Of the Reigns of James I. and James II. no Part of the original Books are extant; and the Statutes of those two Sovereigns have been obtained from a Collation of several old Manuscripts with the first printed Edition of 1576. The existing Series of original Parliamentary Records commences only in 1466; and even from that Period down to the Year 1578, the Series is broken by numerous Mutilations and Deficiencies, most of which are altogether irreparable, but of which several may be partially supplied from early Transcripts, as well as from the earliest Traditions.

Of the original Records of the Period now alluded to, the most palpable Feature of Peculiarity is the Intermixture of the Proceedings of those Parliamentary Committees called "Lords Auditors of Causes and Complaints," with the Proceedings of the Three Estates in full Parliament. These Proceedings of "the Lords Auditors," in the Adjudication of private Civil Actions, are partially preserved for about Twenty-eight Years, beginning in 1466, and terminating in 1494. They are in themselves interesting, and well deserving of Preservation, as illustrative of the State of Manners as well as of Law; but, at the same Time, they form a cumbrous and inconvenient Excrescence on the Record of public Parliamentary Proceedings; and therefore it has been thought expedient to detach the Whole, and throw it into a separate Volume, under the Title of "Acta Dominorum ad causas "et querelas audiendas electorum in Parliamentis Jacobi III. et Jacobi IV. regum Scotorum." Of the particular Constitution of these Committees I shall not here enter into any Statement, further than to mention, that their Sittings were limited to the Duration of each particular Parliament; and that, in the Intervals, between successive Parliaments, or successive Sessions of the same Parliament, the same Causes and Classes of Causes fell directly under the Cognizance of another temporary and fluctuating Tribunal, appointed by the King, and denominated usually the Lords of Council. The Proceedings of this Court have been preserved, in a broken Series, from the Year 1478 till the Institution of the present College of Justice or Court of Session in 1532; and, from these, the Part contemporaneous with the Acts of the Lords Auditors has been taken, and annexed as a proper and almost indispensable Supplement, under the Title of "Acta Dominorum Concilii regnantibus Jacobo III. et Jacobo IV. "Scotorum regibus." From the former Annual Reports, and the Quarterly Reports which accompanied them, your Lordship has been apprised of the Progress that has been made in printing this separate Volume of Judicial Proceedings; and, from the Quarterly Reports annexed to the present Annual Report, it will be seen that it is now nearly finished at the Press, although its Publication may probably be postponed until the Volume which comprehends the public Parliamentary Proceedings of the same Period be also ready for Circulation. In that Volume, which is intended to form the second in the great Series of Parliamentary Records, will be comprehended the Statutes and all other Proceedings of the Three Estates in Parliament, from the Return of James I. in 1424, to the Accession of James VI. in 1567; and although its Progress at the Press has been hitherto much retarded, and may hereafter be still considerably affected by the Difficulty of adjusting those Parts of the Text where the original Records of Parliament are not preserved as an authoritative Guide, I trust that the Whole will be completed in the Year 1812. In the Preparation of the subsequent Volumes for the Press, the Difficulties will be comparatively few. The original Record of Parliament for the first Ten Years of James VI. and that of the Parliaments of Charles I. from the Year 1633, have indeed been lost or destroyed, and can be but very partially restored by Means of any existing Transcripts; but, with these Exceptions, the Series from the Accession of James VI. in 1567, to the Union in 1707, is nearly entire. Of the Period within which the Whole of these Records may be printed, I cannot yet presume to form any probable Estimate; but, I have no Doubt that at least One Volume may be annually finished at the Press; nor do I see any very serious Obstacle to a still more rapid Advancement.

2. Next to the Parliamentary Records of Scotland, the most important of those intended Publications, which are now in Progress, is a select Collection of ancient Royal Charters, drawn not only from existing Records, but from original Charters in the Possession of Individuals, and public Bodies, and from other authentic Sources. The very imperfect State of the existing Record of Charters in the General Register House is a Fact well known; although the full Extent of the Deficiency has not, I believe, been very exactly appreciated. From the Inventories and Indentures relative to the public Muniments and Records at the End of the Thirteenth Century, already alluded to, it is evident that the Registers of this Class were of great Extent and Importance; comprehending probably, a Record of Grants under the Great Seal, from the Time of Alexander I, or David I. to the Death of Alexander III. Of these not a Vestige now exists; and of this most important Class of Writs, in which so much of the History, as well as of the Law of the Kingdom, is necessarily embodied, whatever now remains must be sought for either in private Repositories of original Charters, or in ancient Registers and Chartularies of Bishopricks and Religious Houses, of which a few have been happily preserved.

In

In the subsequent Period, from the Accession of Robert Bruce in 1306 to the Return of James I. in 1424, a Part of the Record of Royal Charters, or, as it is technically called, the Register of the Great Seal, has been preserved; but that Part plainly bears a small Proportion to what has been lost or destroyed within the last Two hundred Years. Of about Fifteen Rolls, containing nearly 700 Charters of Robert I. which were extant at the Beginning of the Seventeenth Century, and of which official Calendars are preserved, there is now only One Roll to be found; containing 94 Charters, or somewhat less than One Seventh Part of what were probably lost in the Removal of the Public Records to England in 1651. Even those Fifteen Rolls can be considered as but the Remains of a more extensive Series of Records; for the great Number of authentic Charters of Robert I. still preserved, of which no Entry is to be found in the official Calendars above alluded to, leaves little Room for Doubt that many other Rolls of the Charters of that Sovereign had been lost at a still earlier Period. In the subsequent Reign of David II. the Loss is little less considerable. Of about 28 Rolls of various Magnitude, containing nearly 600 Charters of that King, of which official Calendars are extant, not one has been saved; but, in a Book, now called the First Book of the Great Seal, nearly 300 Charters of David II. are recorded. In the Two succeeding Reigns of Robert II. and Robert III. and in the Regency of the Dukes of Albany, the Injuries which this Record has suffered are comparatively smaller. Yet the Number of existing original Charters, not entered in that Record, is such as to indicate its very imperfect State. The same is equally true of the Reigns of James I. and James II.; and even in that of James III. the apparent Defects are very considerable; nor is it till about the Beginning of the Sixteenth Century that the Series of Registers of the Great Seal begins to be tolerably complete.

These various Deficiencies in the present Record of Royal Charters are obviously so great as to precludeall Hope of their being ever repaired in any considerable Degree. Yet the Sources which have been already mentioned, are neither so scanty nor so inaccessible as to justify Inactivity or Despair in attempting to diminish the vast Extent of the Evil: and His Majesty's Commissioners have accordingly sanctioned an Experiment for that Purpose, from which, if prosecuted with Vigour and Perseverance, very useful Results may be expected. Of Royal Charters, prior in Date to the Accession of Robert I. it has been resolved to form as ample a Collection as can be procured, not only from Originals remaining in the Custody of Individuals and public Bodies, but also from ancient Chartularies and other authentic Manuscripts: and from that Collection, in which considerable Progress has been already made, it is intended to select a Volume of Charters of more remarkable Importance, such as will tend to illustrate the Constitutional History, the National Antiquities, and the early Feudal Jurisprudence of Scotland. The Utility of such Documents, as applicable to a Period, of which the more regular historical Monuments are so meagre and defective, has been long well known: and it here deserves to be remembered, that, above a Century ago, at a Time when that Utility was less understood and acknowledged than at present, a Collection of Charters was prepared by Command of the Parliament of Scotland, and ultimately given to the Public, under the Title of Diplomata Scotiæ. The Splendour and Accuracy of that Work have been justly admired; and, as a regular Series of Specimens of the Hand-writing of successive Ages, its Use has been considerable: But, for every other Purpose of Information, either of a public or private Nature, the Collection has been found by far too scanty. To aim at the Recovery of every curious and important Document of this Kind, would, of course, be vain and chimerical; yet it is only by an ample and diversified Collection of ancient Charters,—such a Collection, however, as moderate Industry and Perseverance may accomplish,—that the great Objects of historical and constitutional Information can be attained in any considerable Degree.

In the succeeding Period, from the Accession of Robert I. to the Return of James I. the Series of Royal Charters becomes, on many Accounts, peculiarly important; and the Sources from which a Supplement to the existing Registers of the Great Seal may be derived, become also more abundant. The Record itself, consisting of Twelve Rolls and One Book, is intended to form the First and principal Part of a Second Volume in the Series of Select Royal Charters. For obvious Reasons of Convenience, it has been first sent to the Press; and, from the Quarterly Reports for 1810, it will now be seen that the Printing of this Portion of the Work has been completed. In the mean Time, numerous Contributions of original Charters have been procured, from which, and from the Transcripts of Chartularies and other authentic Manuscripts, which have been gradually accumulated during the last Four or Five Years, a very valuable Supplement will be obtained. Among the various Sources which it has been thought fit to explore, the Archives of the Royal Burghs of Scotland are particularly entitled to Notice; and the Applications which have been made to the Magistrates of the several Burghs are likely to be attended with the desired Success. In the Charter Chests of many ancient and noble Families are also contained very valuable Deposits of the same Description: from which, it is hoped, that Communications may be obtained, which will tend very greatly to enrich the proposed Collection of early Royal Charters.

In the subsequent Period, from the Reign of James I. downwards, the Collections of extraneous Materials must be less considerable and important; yet are they by no Means to be neglected; and, from the existing Registers, augmented by such Contributions as may be reasonably expected, a Selection of curious and important Charters may be formed. Those which have a Relation to the Constitution of public Bodies, and to the Creation or Limitation

of

Appendix, (W.7.) Fourth Annual Report of Deputy Clerk Register, 1810.

of Dignities and Honours; and those, above all, which afford instructive Illustrations of the Principles and Rules, the Usages and the Language of Feudal Jurisprudence in the Fifteenth and Sixteenth Centuries, are chiefly deserving of Attention; and, of this Description of Charters, accordingly, will the Third Volume of the proposed Collection be formed. In point of practical Utility, in Reference to ordinary Business, this Volume cannot fail to prove a very desirable Acquisition to the Lawyer, as well as to the Historian and Antiquary.

3. From its intimate Connection with the proposed Collection of Royal Charters, I may, in the next Place, take Notice of the intended Abridgment of the Record of Charters or Register of the Great Seal, from its Commencement down, at least, to the End of the Seventeenth Century, or to the Union in 1707. In the Period, commencing at the Accession of Robert I. and ending with the Return of James I. this Abridgment will comprehend not only an Abstract of the existing Record, but also an Index or Calendar of those Rolls of Charters which are now lost, compiled carefully from the several official Calendars or other Abridgments which have been preserved. In the succeeding Period, from James I. downwards, although the Record be imperfect, I am as yet aware of no existing Abridgments or Calendars from which the Contents of the last Volumes might be ascertained.

This Work has been justly considered as one of great public Utility and Importance, not only as it must facilitate the Researches of Individuals in this voluminous Record, but as it may be made to embrace and convey much interesting Information of a more general Nature. In framing the Plan on which the Work is to be conducted, I have been anxious not to lose Sight of any of those useful Objects to which it may be made subservient. These Objects I conceive to be chiefly the following:—First, to ascertain the Descent and Transference of Landed Property:—Secondly, to ascertain the Existence and mutual Relation of Individuals, and to exhibit or illustrate the Genealogy of Families:—Thirdly, to verify historical Facts and Dates, either directly referred to, or incidentally connected with other Facts and Dates specified in the Charters:—and, Fourthly, to illustrate the legal Rules, Usages, and Phraseology of former Times, with which those of Modern Jurisprudence are so intimately connected. Of these, the Two former may be regarded as the more direct and practical Objects to be aimed at in an Abridgment of Charters: the Two latter, as the more permanently important and interesting; but the Attainment of them all seems, fortunately, to be within Reach, and has, I trust, been effectually provided for, without the Hazard of Inconvenience from extending the Work beyond moderate Bounds.

As the Order of the Charters in the Record is often desultory and unaccountably irregular, it has been found expedient to arrange the Abridgment in the Order of Time; but no further Classification of the Contents of the Record seems to be necessary or proper. In abbreviating each particular Charter or Grant, the Name and Addition of the Grantee, and the Description of the Subject of the Grant are given in the precise Words of the Record, divested, however, as much as possible, of unimportant Expletives and Tautologies;—the Occasion of the Grant, if connected with any remarkable Circumstance or historical Event, is briefly noticed;—the Mode and Limitation of the Tenure, if at all peculiar or curious, is preserved;—and, lastly, the Witnesses, at least in the Charters of the Fourteenth and Fifteenth Centuries, are either inserted, or indicated by a Reference to some preceding Article in the Abridgment. It would be unnecessary here to enter into any farther Detail of the Mode of Execution which is followed in this Work, or of the Varieties in technical Form which are prescribed by the peculiar Structure of different Sorts of Royal Charters. I will only add, that throughout the Whole, the peculiar Phraseology of the Originals has been carefully followed, with the single Alteration, in Form, of the First into the Third Person,—an Alteration which has been found conducive at once to the Brevity and Perspicuity of the Abridgment.

4. Another Work analogous in its general Nature to that now described, is the Abridgment of the Record of Retours of Services, from its Commencement in the Reign of Queen Mary to the End of the Seventeenth Century; to which I have alluded in my former Annual Reports, and the Progress of which has been minutely stated in the Quarterly Returns to His Majesty's Commissioners on the Public Records.

The Record, to which this Abridgment relates, is well known to be one of great practical Importance; but from its Extent and peculiar Structure, the Labour and Uncertainty of private Research have greatly diminished its Usefulness. This Evil, it is the Object of the present Work to diminish; and from the Modes of Arrangement and of Abbreviation which have been adopted, it may be confidently hoped, that, for every ordinary Purpose of Investigation, the real Value of this Record will be greatly enhanced. But on this Head, I am unwilling to fatigue your Lordship with a full Statement of what, on several other Occasions, I have already had Occasion to discuss at considerable Length; and at present I shall content myself with saying, that the present Progress of this Work at the Press affords the Prospect of its being published in the Course of a few Months, in a State not indeed absolutely complete, but in which it cannot fail to be extremely useful. There will still remain to be published, at an after Period, not only the Alphabetical Indexes of Persons and of Places, which, from the Nature of the Record, are very

very large; but also a Supplement of Retours, of which the Originals are preserved in Chancery, but the Record of which has long been lost, if indeed a complete Record of the Whole did ever exist. In a Preface which has been lately prepared, the Nature of this Record, and the Structure of the Abridgment of it, have been distinctly explained *.

5. Besides the several Works which have been now alluded to, there are others of great Utility and Interest which have been occasionally the Subject of Consideration with His Majesty's Commissioners, and the Execution of which may, I trust, be hereafter undertaken, when the immediate Pressure of those already in Progress has been somewhat diminished. Without attempting to enumerate all of these, or to discuss their comparative Value and Importance, I cannot refrain from mentioning such as appear to be more peculiarly desirable.

In deducing the History of the various abortive Projects and Attempts which have been conceived, for giving Publicity to the Parliamentary Records of Scotland, and for compiling a great Digest of Municipal Law, it has been seen that the Registers of the Decrees of the Lords of Council and of the present Court of Session were one of the main Sources from which the Materials of that Digest were meant to be drawn. These Registers may be regarded as the great authentic Repository of Scottish Jurisprudence, in which its Rules and Maxims might be traced, at least, from the End of the Fifteenth Century down to the present Day. But of the Contents of those Registers, and of the Judicial Proceedings and Decisions of our Supreme Civil Courts, prior to the Period at which the printed Collections of Cases begin, in the Reign of Charles I. we scarcely know any Thing, excepting from the very imperfect Compilation of Balfour, already referred to, and from a few meagre and unsatisfactory Reports; and an active Period of a Century and a Half, during which the Foundations were laid of much of that Law which now prevails, lies hid from the View of the Lawyer in a voluminous and hitherto neglected Record. A small Specimen of that Record will be given in the "Acta Dominorum Concilii," &c. from 1478 to 1494, now in the Press; but the Continuation of the Work, on the same Scale, could not be attempted; and, indeed, the Proportion of instructive Matter, in so far as the Lawyer is concerned, is very small in reference to the Bulk of the entire Mass. But I am humbly of Opinion, that, from these Records, prior in Date to the Restoration, a Selection of Cases and of Extracts might be made, which would prove an invaluable Acquisition; and though the Labour of careful and judicious Selection would be great, I persuade myself, that Persons of very competent Skill would be found willing to lend their Aid to the Undertaking. The Record to which I now allude consists of nearly 700 Volumes; but I am at present of Opinion, that the Parts which are valuable in the View now suggested might be comprehended in Two or Three printed Volumes, similar in Form to the Parliamentary Records.

Another Class of Records which may be considered as very prolific of curious and instructive Matter are those of the Secret or Privy Council. These Records are chiefly of Two Kinds;—Proceedings in Matters of State;—and Proceedings in Matters of Private Right. From the latter, many interesting Articles might be selected; but it is to the former that the chief Attention ought to be directed: and I can venture to assert, without any Fear of Contradiction, that the genuine History and State of Scotland, its Policy and Manners for Two Centuries which preceded the Union in 1707, must continue to be very imperfectly understood, till these Records are given to the Public. The existing Series of separate Registers of Secret Council begins in 1545; but at a still earlier Period, those Records, which are called Books of the Lords of Council, and which consist chiefly of Judicial Decisions, have been found to contain many Proceedings in Matters of State, more particularly during the Minority of James V. by which very important lights are reflected on the History of Scotland. These Proceedings, from the Year 1478 to the Year 1532, have been selected and transcribed from the Books in which they lie scattered, and would form a valuable preliminary Part to the more regular Series of Registers beginning in 1545. Several Volumes of these have also been transcribed for the Press, in the View of their entire Publication; but the Work remains at present suspended, until the other Publications already in Progress have attained a greater Degree of Advancement. It is one which I trust His Majesty's Commissioners will never lose Sight of.

As I am not here attempting to fill up the complete List of Records deserving of Publication, I will at present mention only one other Class; leaving unnoticed many others of a miscellaneous Sort which would be found well deserving of Attention. The Class which I now allude to, comprehends the Public Accounts of the Kingdom; of which there are various Sorts; but the most prominent and interesting are the "Compota Camerarii Scotiæ," or the Rolls of Accounts of the Lord High Chamberlain; and the "Compota Thesaurarii," or Accounts of the Lord High Treasurer; which, at different Periods, embraced the principal Branches of the public Expenditure, as well as that of the King and of the Royal Household. Those of the High Chamberlain are preserved, but in a broken Series, from the Year 1328 till the Reign of James I. when this Officer ceased to take charge of the Royal Revenues. The Accounts of the High Treasurer are preserved, but likewise in a broken Series, from the Year 1474 till the Union; and the Blank between those Two Sets of Accounts, as well as the other Chasms, are par-

* See Proceedings of the Commissioners for the Arrangement and Preservation of the Public Records of the Kingdom, 1806—1808, so far as relates to Scotland.

APPENDIX, (W 7.)

Fourth Annual Report of Deputy Clerk Register, 1810.

tially supplied by various Sets of Accounts rendered by the Sheriffs, Bailies of Royal Burghs, and other Administrators of Royal Revenues and Demesnes. These various Accounts have hitherto attracted but a slight Degree of Attention; yet unquestionably they contain a vast Treasure of authentic Information relative to the internal State of the Kingdom, at a Time when its professed Annals are very meagre and inaccurate. In truth, it is chiefly in these Records that we must seek for all that can be known with Certainty of the territorial Produce, the domestic Industry, the Trade, the Public Revenue, the Civil and Military Establishments, the Modes of Life, the Food, the Dress, and even Amusements of the People of Scotland in the Fourteenth, Fifteenth, and Sixteenth Centuries; and in a more indirect and incidental Manner they would be found no less useful in ascertaining and verifying innumerable Details in the political History of the Kingdom which remain at present very vague and uncertain, or as to which the received Statements are confused and inaccurate.

To publish the Whole of these Accounts of the Chamberlain and Treasurer would not be adviseable; and to select the truly useful and curious Portions of them would require no ordinary Care and Discrimination: yet the Attempt ought certainly to be made, and if successfully accomplished, would furnish a most important Addition to our present Stock of historical and political Knowledge.

VII. Among the various Modes which may be devised for rendering the Public Records more useful and accessible, I have had frequent Occasion to recommend the Formation of Indexes of Reference to such as are more voluminous and most commonly resorted to. In my last Annual Report, I endeavoured to follow out the previous Instructions of the Committee of the Court of Session, by suggesting a Plan for the regular and progressive Compilation of Indexes to the Registers of Seisins, and to the Register of Deeds, Probative Writs, and Protests, in the Books of Council and Session. Of that Plan, the Committee have since expressed their Approbation; and although the Measure has not been carried so speedily into Effect as I had anticipated, I can now entertain no Apprehension respecting it *. Neither do I feel any Doubt of its future Application to several other Branches of the Public Records; particularly to the Register of the Decrees of the Court of Session, as to which several new Arrangements must soon become the Subject of serious Consideration.

VIII. Within the Period of this Report, no successful Attempt has been made for the Recovery of any of those Public Records which are known to be missing:—but I continue to think, that, in every successive Annual Report, the Expediency of unremitting Perseverance in such Attempts should be distinctly brought into Notice.

IX. Neither am I enabled to report that any Records have been transferred from other Public Offices into the General Register House. The Registers of Privy Council still remain deposited in the Justiciary Office: but their Transference may be confidently expected, so soon as a new Apartment has been prepared for the proper Records of the Court of Justiciary: and it appears to me, that, on such Occasions, the proper Authority to be resorted to is that of His Majesty's Commissioners on the Public Records of the Kingdom. In a few other Instances, where such Transferences might be expedient, the same Authority might be effectually employed, were it not that pecuniary Compensations must, at the same time, be provided to the present Keepers. In making this Remark, I have particularly in my Eye the Record of the Retours of Seisins, now preserved in the Office of the Director of Chancery. The Transference of the existing Volumes of that Record, and the Transmission of the succeeding Volumes, by the ordinary Process of marking and issuing the Books in which they are to be written, I consider as an expedient Measure for securing their more accurate Formation in future.

By the "Act for better regulating the Public Records of Scotland," it was provided, that the successive Volumes of the Register of Decrees of the Court of Session, in common with the other Records previously transmissible at the End of Ten Years, should be regularly transmitted, with their respective Minute Books and Warrants, within Three Months after they had been severally completed. This Part of the Law has been altered by One of the Clauses of an "Act for abridging the Form of extracting Decrees of the Court of Session in Scotland," &c.—[20th June 1810.] which, among other still more important Regulations, has enacted, that the Records of Judicial Proceedings, as new modelled, shall be transmitted to the General Register House, "at the Expiration of Five "Years after the Date of the final Decree or last Proceeding in that Court." On the Expediency of this Deviation from the general Rule established by the Act of 1809 for better regulating the Public Records, I shall at present refrain from offering any Remarks.

X. On the Mode of framing the various Classes of Records transmissible to the General Register House, I have, in my former Reports, proposed certain general Regulations, which have already received the Approbation of the Committee of the Court of Session, to whom those Reports were remitted; but, from accidental Causes, the final Establishment of these Regulations by Act of Sederunt has been postponed. I do not, however, despair

* Since the Period to which this Fourth Annual Report properly relates, the Measure here alluded to has been fully accomplished by several Acts of Sederunt of the Court of Session.

of

of their speedy Adoption; and, in the mean Time, an Opportunity has been afforded of considering and digesting the minute Details of the Measure with additional Care *.

XI. In my last Annual Report, I mentioned, that the Formation of the Judicial Records of the Court of Session had engaged much of the Attention of the Commissioners on the Administration of Justice in Scotland; and I have now to add, that the Result of their Deliberations on the Subject has been adopted as the Basis of the Act of Parliament above referred to. The Provisions of that Act differ in several important Points from the Measures which I ventured humbly to propose in my First Annual Report: and though I am strongly impressed with the Belief, that the System thus established will be found defective in some essential Parts, I conceive it improper to obtrude my Observations on your Lordship's Attention, until the Experience of another Year may have afforded the Means of judging more deliberately on its Merits.

The other great Branch of the Records of the Court of Session, namely, the Registers of Deeds, Probative Writs, and Instruments of Protest, has not yet undergone that Reform which has been the Subject of Discussion in former Reports, and upon which the Committee of the Court of Session have already expressed a clear Opinion; but I have the Satisfaction of stating, that the chief official and pecuniary Difficulties have been removed, and that the Measure now only waits for the final Sanction of the Court †.

XII. The same Observation may be made as to the proposed Regulation of the Registers of Seisins, of Hornings and Inhibitions, and of Abbreviates of Adjudication. There is no longer any Obstacle to the Adoption of the Measure; and I therefore confidently anticipate its speedy Establishment by the necessary Acts of Sederunt ‡.

II. LOCAL REGISTRIES.

I. Under this Head I must beg Leave, in the first Place, to call your Lordship's Attention to the State of the Buildings in which the County Records of Scotland, the most important Class of Local Registries, are at present deposited.

In 1800, the Select Committee of the House of Commons, on the Public Records of the Kingdom, directed their Attention to this Subject; and they reported, that, "upon Inquiry into the Record Offices of the Sheriffs, it "appears that about One-fourth of the Number are placed in Buildings which are Public Property, but the Rest "are in private Houses, where the Records are exposed in many Instances to certain though gradual Destruction, "and are in all Cases liable to Loss and Dispersion: All of them should certainly be lodged in Public Buildings, "secured from Damp and Fire; and it may be productive of great Accommodation to Individuals, if the Records "of each County are lodged collectively at one Place."

In a Report, which I had the Honour of submitting to His Majesty's Commissioners on the Public Records, (April 7, 1807), it was stated, that, "of the Utility and Urgency of the Measures here recommended, no one "acquainted with the State of the County Records could entertain a Doubt. Hitherto the Matter had been left to "the voluntary Association of the Heritors or Proprietors of Land in the several Counties; but it had evidently "become necessary to adopt a more general and effectual System; this could not be accomplished without Legis-"lative Authority;" and it was "humbly proposed, that under the Direction and Controul of General Commis-"sioners, the Proprietors of Land in each County should be authorised and required to assess themselves at a "certain Rate sufficient to raise a sum for defraying the Expence of erecting or repairing a Set of Public Buildings "in the County Town for the Accommodation of the Courts of Justice, and for the safe Custody of the "Records."

On considering this Part of the Report, His Majesty's Commissioners, at a Board holden 25th July 1807, "Re-"solved, That it be referred to the Lord Advocate to consider of proposing a Bill to Parliament, for the Purpose "of accomplishing the Measure here recommended."

The other Measures then under Consideration for modifying and regulating the Records of the Counties and Burghs, by which the Extent of the County Records might be eventually affected, were considered by the Lord Advocate as standing in the Way of any immediate Steps for the Erection of the necessary Buildings; and, since the Date of the Act of Parliament "for better regulating the Public Records," by which those previous Ar-

* Since the proper Period of this Report, some of the Regulations here referred to have been carried into Effect by Four different Acts of Sederunt, dated July 10, 1811.

† By the Act of Sederunt, July 10, 1811, intituled "An Act concerning the Registration of Deeds, Probative Writs, and Instruments of "Protest, in the Books of Council and Session," the Measure here referred to has been fully established.

‡ The Regulations alluded to have been established by Three Acts of Sederunt, July 10, 1811, intituled respectively, "An Act concern-"ing the Registers of Seisins, Reversions," &c.—"An Act concerning the Registers of Hornings and of Inhibitions:"—and "Act "concerning the Register of Abbreviates of Adjudications."

APPENDIX, (W.7.)

Fourth Annual Report of Deputy Clerk Register, 1810.

rangements were carried into Effect, no further Proceeding in the Business has taken place; but the Measure, as recommended by the Committee of the House of Commons in 1800, and by His Majesty's Commissioners in 1807, has certainly not declined in Importance or Urgency. By one of the Clauses of that Act requiring the Sheriffs to make Annual Reports on the Subjects of their respective Records, they are directed particularly to specify the State and Situation of the Buildings in which the Records of the several Shires are kept. To this Provision of the Act, I took the Liberty of directing the particular Attention of the Sheriffs, in a Circular Letter, dated August 24, 1810; in which I suggested, "that in their first Reports under the Act, it was of peculiar Importance, that on this Head the Information to be given should be very complete; with a View to a general "Plan of erecting and upholding in proper Repair a Set of Buildings for the safe Custody of the Records in each "County throughout Scotland."

In the Reports which have been accordingly presented by the Sheriffs to the Court of Justiciary, and since transmitted to the General Register House, the present State of the several County Record Offices forms, in general, a distinct Head. The Result of these Communications not only confirms the Statement in the Report of the Select Committee 1800, but clearly evinces, that every Year's Delay has tended to increase the general Evil, and to multiply the Risks attending the Custody of this important Class of Public Records. It would not be too strong to apply to the whole (a very few Counties excepted) the Words of one of the Lords Commissioners of Justiciary in Reference to the Counties within the Department of the Southern Circuit,—"that the State of these "Repositories is most miserable." It would be tedious and unprofitable here to enter into the minute Details of what relates to the different Counties; but the Conclusion obviously to be drawn from the Whole is, that a general Legislative Measure, authorizing and enforcing the Erection of Public Record Offices, has become indispensable, and ought not to be delayed. I believe it is the prevailing Opinion, that the same Act should be extended to the erecting, or repairing and upholding of County Court Houses and Jails; but on that I do not presume to offer any Observations.

On the State of the Repositories of Records in the Royal Burghs I am not enabled to speak with the same Confidence and Precision. From my own limited Observations, and from other Sources of Information, I can state generally, that while a few of them are well contrived, and in good Condition, many others are in a neglected and even ruinous State. On this Subject I will endeavour to obtain more accurate and extensive Information; and, I trust, that when the Matter is understood, the General Convention of the Royal Burghs of Scotland will be induced to concur in some effectual Measures for the safe Custody of those Records, the Formation of which they have, on some late Occasions, discovered the utmost Anxiety and Zeal to retain, as an essential Part of their fundamental Rights and Privileges.

II. In my Circular Letter to the Sheriffs of the several Counties, August 24, 1810, I took the Liberty of suggesting, that, as a Second and separate Head in their Annual Reports at the ensuing Circuits, they should specify "the State of Preservation and Arrangement of the County Records already framed, or rather what were framed "prior to the Year to which the Reports more particularly refer."

On this Head, accordingly, some of the Reports contain very full Statements; but, in the greater Number, these are too brief and vague to afford any useful Information. As in the State of the Buildings, so in that of the Records, it is to be expected that there should exist considerable Varieties: I am, however, disposed to fear, that in few of the Counties are the Records in that State of Arrangement and careful Preservation which is to be desired and aimed at. In the First Place, the total Want or imperfect State of Accommodation in the present Buildings has operated as a great, in many Cases an insurmountable Obstacle to the proper Disposal of those Records; and, in the Second Place, the Want of any pecuniary Fund for repairing and rebinding the decayed Records, has prevented the Sheriff Clerks from making any Effort to counteract the Injuries either of Time or of past Neglect. The first of those Evils will, I trust, be speedily removed! for the second some general Remedy must also be sought; but, until my Information on the Subject is more exact and detailed, I cannot venture to trouble your Lordship with any Suggestions on the Subject.

III. But the most important Topic to which, under this general Head, I have to call your Lordship's Attention, regards the Execution of the Act "for better regulating the Public Records of Scotland," in so far as it establishes a permanent System of Controul over the Keepers of Local Registries, both in Counties and in Royal Burghs.

By that Act, it is provided, that the Books to be used by Sheriff Clerks, for the Registration of Deeds and other Writings, shall be previously marked and issued by the Lord Clerk Register, or his Deputies: and that, as to the Progress and State of these Records, the Sheriffs Depute of the several Counties shall annually prepare regular Reports, to be transmitted through the Court of Justiciary to the General Register House; and that it shall be competent for the Lord Clerk Register to proceed, by Summary Complaint to the Court of Session, against any of the Sheriff Clerks, or their Deputies, who shall appear to be chargeable with Neglect or Malversation in the Business of the Records committed to their Care.

By

By another Part of the Act, analogous Regulations are established as to the Records of Seisins, and of Deeds and other Writs kept by the Clerks of Royal Burghs; as to the progressive State of which the Chief Magistrates are required to make Annual Reports to the Court of Justiciary, to be afterwards transmitted to the General Register House.

The Operation of this Part of the Act commenced on the 12th of November 1809; and the first Set of Annual Returns by the Sheriffs, and by the Magistrates of Burghs, became due in the Autumn of 1810. From the Correspondence above referred to, your Lordship will learn some of the Steps which were taken for putting the Sheriff Clerks and Burgh Clerks in Possession of proper Sets of Books for their respective Records. For the County Registers, it has been arranged, that each Sheriff Clerk shall keep Two distinct Series of Books, one for the Registration of Deeds and Probative Writs, and another for Instruments of Protest on Bills and Promissory Notes. For the Burgh Registries, it has been arranged, that there shall be one Series of Books for the Registration of Seisins within Burgh; and that the Registers of Deeds, and of Instruments of Protest shall, in the Option of the Clerks, be kept either blended together in one Series, or separated, like those of the Counties into Two distinct Series. This Alternative has appeared reasonable, on account of the inconsiderable Number of Registrations which are likely to occur in the less populous Burghs; and, accordingly, only a very few Burghs have adopted the double Set of Registers for Deeds and for Protests; and several have declared their Intention of discontinuing the Practice of Registration altogether. Progressive Tables of the Register Books issued to each County and Burgh have been begun upon a regular Plan, and ought to be carefully continued in future. In the practical Business of that Controul which has been established by the Act of Parliament, such Tables may be often usefully resorted to: and, in that View, a Duplicate has been prepared for the particular Use of the Deputy Clerk Register.

In my Circular Letter to the Sheriffs, August 24, 1810, I proposed a certain Tabular Form, in which, with a View to Uniformity and Precision in their several Reports, it would be most convenient to state the Progress actually made at successive Periods in the Formation of the Records. From the Reports thus obtained (and which have been nearly complete) it appears, that some of the Sheriff Clerks had failed to bring up their Records to the Dates of the Reports, and that, from Remissness or Misapprehension, some others had omitted to procure the proper Books, or to begin the Use of them; yet I must admit, that the general Result has not materially disappointed my Expectations. In the Infancy of a System of this Sort, some Deficiencies and Oversights were to be looked for; but on the Part of the Sheriff Clerks, there has appeared no Reluctance to comply with the Provisions of the Statute; and, when fully understood, I have no Doubt that the Business will speedily fall into a regular and proper Train.

Instead of here attempting to enter into the minute Details of these Reports, I have thrown the whole into a Tabular Form, exhibiting, in reference to each County, the Date of the Report, the Folio of the Book, and the Date of the first and of the last Entries in the Registers of Deeds, and of Protests respectively, made during the Year to which the Report relates; together with such Remarks as have been furnished for explaining any apparent Irregularity in the Formation of the Record. And I am of Opinion, that a similar Abstract of the Sheriff's Returns ought in future to accompany every Annual Report by the Deputy Clerk Register. From its peculiar Structure it is calculated to detect and exhibit any culpable Delays that may occur in the regular Formation of these Records.

Of the Mode in which these Records have been framed and executed, the Sheriffs have in general reported favourably; but until a positive Regulation has been made as to the Quantity of Writing on each Page of the Registers, I do not think it likely that they should be uniformly executed in a Manner suitable to their Importance; and such a Regulation cannot, I fear, be obtained without Legislative Authority, and without some accompanying Provision for enlarging the present Fees of Registration. But to this Subject I may probably request your Lordship's more particular Attention in a future Report. From the Correspondence your Lordship will perceive, that the Consideration of the Subject is involved in very serious Difficulties.

Of the actual State of the Burgh Records for 1810, the Information I have received has been very incomplete. Reports have been received from the Chief Magistrates of only Nine Burghs; although the Clerks of 43 other Burghs have applied for, and been furnished with Register Books, agreeably to the Provisions of the Statute. Of the Contents of these Nine Reports, an Abstract, similar to that of the County Reports, has been framed; and in order to exhibit the Extent of the Deficiency now mentioned, a List has been added of those other Burghs to which Registers have been issued, but from whose Chief Magistrates no Returns have been received.

IV. There is another Class of Local Registries, to which I must now, for the first Time, beg Leave to direct your Lordship's Attention; I mean the Parochial Registries of Births, Marriages, and Deaths throughout Scotland. These are nearly coeval with the present Ecclesiastical Establishments of the Country; and of their great Utility and Importance, there is, and can be but one Opinion, either in Reference to private Individuals, whose Rights and Interests are often dependant on the Evidence they afford, or on public Grounds, as illustrative of the progressive Population and political State of the Kingdom. It is, however, I believe, a Matter of great and general Regret, that the regular Formation and safe Custody of these small Local

Appendix, (W. 7.)

Fourth Annual Report of Deputy Clerk Register, 1810.

Records have been hitherto so little attended to, and so imperfectly provided for. They are committed, as your Lordship must know, to the immediate Care and Superintendance of the Kirk Session of each Parish, consisting of the Minister and certain Lay Elders; and the Session Clerk, who is usually the established Parochial Schoolmaster, is the proper Officer to whom not only the Formation, but also the Custody of this Record is committed. It is certainly in the Power, and is the proper Province of the Kirk Session, to see that this Record is faithfully and regularly framed; to take Care that it be not unnecessarily exposed to Hazard, and, that in passing from one Session Clerk to another, no Part of it be lost or mislaid; yet, when it is considered, that in comparatively few Parishes are the existing Records of greater Antiquity than the Beginning of the last Century, and many of them much less, it must be manifest, that the present System of Custody is altogether unsafe and improper; and without going further into the Sources of the original Imperfection of such Registers under the present System, it might be sufficient to mention, that they exclude nearly the Whole of those who are Religious Dissenters from the Established Church of Scotland.

To remedy these known Evils, it seems undeniable, that some new Regulations and Checks must be resorted to; and it seems at the same Time of considerable Importance, that some new Arrangements should be devised, by which these small Local Registers may be made more effectually subservient to those more public and permanent Uses to which they are capable.

In consequence of some previous Communications, I addressed a Letter on this Subject to the Procurator of the Church of Scotland, dated May 23, 1810, in which I slightly sketched the Outline of a Plan for better regulating the Parochial Records of Scotland. That Letter was submitted by him to the General Assembly of the Church, in the Form of an Overture; and certain Proceedings were held respecting it, which distinctly marked the Opinion of that Venerable Body as to the Importance and Necessity of some Reform in that Branch of their Establishments. And although I have it not in my Power to state that any further Progress has been made in the Preparation of a digested Plan, I still venture to hope that the Matter will not be lost sight of. In the mean Time, I beg leave here to submit a few additional Hints, for the Purpose of explaining or modifying the Views which were suggested in my Letter to the Procurator for the Church.

Upon fuller Consideration, I am satisfied, that, in order to establish an efficient Control over those scattered Registers, and at the same Time to derive from them the greatest Utility to the Public and to Individuals, the Whole ought to be connected together into one System; of which the most proper Centre would be His Majesty's General Register House. From that central Repository might be issued the Books to be employed by each Kirk Session, both for a principal Record and for a Duplicate; and, to that Repository, the principal Record might be returned at the End of every Ten Years, to remain among the other Records of the Kingdom. But, in order to ensure the regular Formation of the principal Record, and of its Duplicate, and at once to furnish an efficient Check, and to open a Source of important Information, I would further propose, that, besides annually examining and certifying the State of the Record and of its Duplicate, the Kirk Session should also certify a brief Abstract of the total Numbers of Births, Marriages, and Deaths, in the preceding Year, according to a Schedule to be issued for the Purpose; which Abstract should be communicated to the Clerk of the Presbytery; and when the Whole of the Abstracts for the Presbytery have been so collected, that they should be forthwith transmitted to the General Register House: that the Fact of their regular Transmission should be immediately certified to Exchequer; whereupon a Warrant should be issued, in such Form and Manner, as might be found most convenient, for paying to each Session Clerk a small Gratuity for his Trouble, not exceeding, on an Average, £1. per Annum. Without some small pecuniary Allowance of this Sort, it would scarcely be equitable to impose so much additional Labour and Responsibility on the Schoolmasters and Session Clerks of Scotland, whose Fees are at present very low; and by means of it there would be introduced a new and powerful Principle of Control, which could not be attained by merely augmenting the Rate of Fees payable by Individuals for each particular Registration. Without attempting to enter further, at present, into the minute and subordinate Details of such a Plan, I would be understood merely as having thrown out these general Hints for more deliberate Consideration.

THO. THOMSON,
Deputy Clerk Register.

Papers referred to in the preceding Report.

(No. 1.) *Preface to the Abridgment of the Register of Retours of Services.*

THE Record, of which an Abridgement is here given, comprehends all those Proceedings by "Inquest," or the Verdict of an "Assize," which originate in certain Writs issuing from Chancery, and which are ultimately transmitted or "retoured" to that Office.

The peculiar Forms, or legal Effects of those Proceedings, it would be out of Place here to explain; but an Enumeration of their different Sorts, and a slight Outline of their Nature, may be useful to those who are not already conversant with the Practice of the Law of Scotland.

Of those Proceedings, the most considerable in Number and Importance originate in a Writ issuing from Chancery, in the King's Name, called sometimes the Brieve of Mortancestry, but more properly the Brieve of Succession; the Purpose of which is to establish a Claim by Inheritance, or to be "served nearest lawful Heir" to those Subjects of a Feudal Nature, in which the alleged Ancestor of the Claimant was vested at the Time of his Death.

According to the Rules of the Law of Scotland, the complete and effective Right to such Subjects does not pass immediately and spontaneously from the Ancestor to the Heir; but is said to remain "in hereditate jacente" of the deceased Owner, until the Claim of the Heir has been formally recognised and established by the Procedure under a Brieve of Succession.

By that Writ the Judge to whom it is addressed is authorised and required to ascertain, by the Verdict of a Jury, the following Points:—1. In what Lands and Annual Rents, within the Limits of his Jurisdiction, the alleged Ancestor of the Claimant died vested and seised as of Fee, at the Faith and Peace of the King; or in the Words of the Brieve, "de quibus terris et annuis reditibus, cum pertinentiis quondam B. C. pater D. C. latoris "præsentium obiit ultimo vestitus et sasitus, ut de feodo, ad fidem et pacem nostram, infra balliam vestram;"—2. If the Claimant be the nearest lawful Heir of the deceased in these Lands, &c.;—3. If he be then of lawful Age;—4. What is the annual Value of the Lands, &c. according to certain Valuations, usually called the Old and the New Extent, or in the technical Language of the Brieve, "quantum valent dictæ terræ et annui reditus cum "pertinentiis nunc per annum; et quantum valuerunt tempore pacis;"—5. Of whom, as Feudal Superior, the Lands are held;—6. By what Feudal Service or Species of Tenure;—7. In whose Possession the Lands now are, and on what Account, and how long they have been so possessed. The Result of these Inquiries, duly authenticated, the Judge is directed to transmit to Chancery, together with the original Brieve.

According to the more ancient Usage, this Brieve was addressed to the Sheriff, or local Judge of the District where the Lands were situated which were the Subject of the Claim; and where the Lands were situated in different Counties, a corresponding Number of Brieves was issued from Chancery. This Mode of Procedure may still be followed: But, in order to avoid a Multiplicity of Proceedings in such Cases, a particular Process has been introduced for trying the whole of the Claim at once, under a Commission to certain inferior Officers of the Court of Session, as "Sheriffs in that Part," or delegated to that particular Duty. This was unquestionably an Innovation upon the original Practice of Chancery; but of the History of its first Introduction nothing is known, and among the earliest Retours which now remain on Record in that Office, some of this Description are to be found.

Another apparent Innovation upon ancient Usage, has been the Application of the Brieve of Succession, to the Establishment not of a Claim to any specific Inheritance, but of the general Character of Heir to the alleged Ancestor. The Form of the Brieve remains in this Case unaltered, but the Verdict of the Jury is, of course, restricted to those general Points, which it is the immediate Object of the Claimant to ascertain.

The Proceedings which are held in pursuance of a Brieve of Succession, are usually denominated a "Service:" Those which have relation to a particular Estate of Inheritance, are denominated the "Service of an Heir in Special," or a "Special Service;" in Contradistinction to those other Proceedings last mentioned, which are denominated the "Service of an Heir in General," or a "General Service." These Proceedings may sometimes involve a great deal of judicial Discussion: but whether in a Special or a General Service, it is only the ultimate Verdict of the Jury, framed in a certain technical Form, that is transmitted to Chancery. It is there entered on Record by the Director of Chancery or his Deputies; an Extract of that Record is given to the Claimant; and, in this completed State, it is commonly termed the "Retour of the Service."

Of the ancient Practice of Chancery in the Registration of the Retours of Services no certain Knowledge is preserved. That the original Inquisition or Verdict of the Assize was "retoured" to the Chancery as a necessary Step towards the feudal Investiture of the Heir, may be confidently presumed; and that, of this Inquisition, some Record or Memorandum was preserved by the Officers of the Chancery, cannot be doubted; but that the original Inquisitions were again delivered to the private Party, and not merely an Extract, as at present, may be fairly conjectured from the many Originals which yet remain in private Custody.

But those ancient Records of Chancery, whatever may have been their peculiar Form, appear to have been totally destroyed before the Middle of the Sixteenth Century. Of that Event, no historical Account is preserved; but in the Writings of the following Age, it is alluded to as a distinct Tradition, and is even founded on as the Basis of several judicial Decisions*. It is probable that this Destruction of the Records of Chancery happened in the

* In the Report of a Judgment of the Court of Session in the Year 1624, it is said, "The Lords found, that Retours of elder dates, "before the year 1550, ought not to be deemed to make no faith for non-production, where the principal Service, sealed by the Assisers, "is produced; albeit the same be not extant at the Chancellary, nor extracted out of the same."—Durie's Decisions, Feb. 17, 1624, Lord Elphingston contra Earl of Mar. In allusion to this Case, Lord Stair, who wrote in the Reign of Charles II., has said, "The Service is "kept

Appendix, (W. 7.)

Fourth Annual Report of Deputy Clerk Register, 1810.

the Month of May 1544, when the Town of Edinburgh, the Monastery of Holyroodhouse, and the Royal Palace adjoining to it, were burnt by the English Army under the Earl of Hertford. The Zeal and Perseverance with which that Work of Devastation was carried on, leave but too little Reason to wonder at the Loss of those public Muniments which were not protected by the Fortifications of the Castle *.

The supposed Destruction of the Records of Chancery in the Minority of Queen Mary is perfectly consistent with the State of those which now remain in that Office. Of the original Inquisitions retoured to Chancery, the present Series begins no earlier than the Year 1547; and no original Retours of prior Date have been found, but such as may have been preserved in the Custody of Individuals, and long afterwards deposited and recorded in the Office. The Imperfections in the Series subsequently even to the Period above mentioned, are indeed very great; but these may be traced to other Causes. Till the Erection of the present General Register House, no proper Repository had been provided for this Branch of the Public Records; many of them meanwhile appear to have been lost; many others to have perished by Damp; and of those which remained, and were in a tolerable State of Preservation, no Arrangement had been made till the Year 1807; when, on the Suggestion of His Majesty's Commissioners on the Public Records of the Kingdom, that necessary Work was accomplished, at the Expence of the Director of Chancery.

Of the present Series of Inquisitions retoured to Chancery, commencing in the Minority of Queen Mary, no Record appears to have been made till about the Year 1630. The Office of Director of Chancery was then held by Sir John Scott of Scottstarvet, a Person of considerable Note, and who has left behind him numerous Traces of his Activity and Zeal in the Discharge of his official Duties. The retoured Inquisitions of all Sorts, which had been preserved in the Chancery Office, were then recorded in a Series of Books; and from that Period, the Practice of recording Inquisitions has been regularly continued. The Whole of the Series, ending March 25, 1811, consists of 102 Volumes in Folio; but of this Series the Fifth Volume, relative to the Years 1611—1614, is known to have been lost; and from the very considerable Number of original Retours which have been discovered in consequence of the late Arrangement above alluded to, of which there are no Traces in any of the existing Volumes of the Record, it must be inferred, either that several other Volumes have been lost, or that the original Plan of recording the Whole had been imperfectly executed. Of the Completeness or Accuracy of this Record in other Respects, it might be difficult to speak with Confidence; but it ought not to be disguised, that throughout the Series, from its Commencement downwards, it exhibits many Instances of negligent Transcription, which can be detected only by a Collation with the original Inquisitions, or the "Warrants" of the Record.

The Importance of the Record of Retours, independently of its primary Purposes, is too well known to require Illustration. With certain Limitations, it may be considered as exhibiting an authentic History of the Transmission by Inheritance of the far greater Part of the Landed Property of Scotland, as well as that of the Descent of the greater Number of its considerable Families during the Course of the Two last Centuries. That Part of the Record which precedes the Date of the Scottish Statute of 1681, "concerning the Election of Commissioners for Shires," derives a peculiar Importance from its affording the appropriate Evidence of a certain Class of Freehold Qualifications. But, in all these Respects, the Usefulness of this Record has been hitherto greatly diminished by the Difficulties of Research: and a methodized Abridgment of its Contents must therefore be considered as an important public Work, by which the Value of the original Record will be greatly enhanced.

It has been already stated, that the Two distinct Classes of Inquisitions under the Brieve of Succession, commonly called Special and General Retours, have been entered promiscuously in the Record, nor has the Order of Time, at least in the earlier Volumes, been very exactly observed. But in the following Abridgment, the Retours of Special and of General Services have been separated from one another, as well as from these other Species of Retours with which they are blended in the Record.

In the Abridgment of the Retours of Special Services, a local Arrangement has been adopted, according to the several Counties in which the Lands are situated; subdividing the complex Retours, and arranging their different

---

"kept in the Chancery for warrant of the Retour; yet it was found, that Services before the year 1550, were sufficient to satisfy the "production, in Improbations or Reductions, without producing the Retour itself; because, at that Time, the books of the Chancery "were destroyed by war."—Institutes of the Law of Scotland, III. 5, 41. And in the Report of a Case decided in the Year 1698, it is stated in Argument, that Services which had not been retoured to the Chancery were never sustained, "unless Services within a Regality, &c. "before the year 1550, when the Records were destroyed by the English." Fountainhall's Decisions, Feb. 2, 1698, M'Intosh against M'Intosh.

* The following Account of the Events here alluded to, is given in a Narrative published by Authority, entitled, "The late Expedicion "in Scotland made by the Kynges Hyhnys Armye, vnder the conduit of the Ryght Honorable the Erle of Hertforde, the yere of oure "Lorde God 1544."—"And finally, it was determyned by the sayde Lorde Lieutenant vtterly to ruynate and destroye the sayde towne "with fyre; which, for that the nyghte drewe faste on, we omytted thoroughly to execute on that daye; but settyne fyer in three or iiii. "partes of the towne, we repayred for that night vnto our campe. And the next morayngе very erly we began where we left, and "continued burnynge all that daye, and the two dayes nexte ensuinge contynually, so that neyther within ye wales nor in the suburbes "was leyfe any one house vnbrent, besydes the innumerable bottes, spoyles, and pyllages, that our souldyours brought fro[m] thens, "notwithstanding habundaūce whiche was consumed with fyre. Also we brent thabbey called Holy Rodehouse, and the pallice adioynyng "to the same."

Portions

Portions under the Counties to which the Lands respectively belong. In arranging the Retours of each County, the Order of Time has been exactly observed; and in framing the Abridgment of each Retour, whether simple or complex, there is given the Date of the Service; the Names of the Heir and the Ancestor; their natural Relation to each other; the specific Description of Heirs to which the former belongs; an exact Enumeration of the Lands and Annual Rents to which the Claimant has been "served Heir;" and a Statement of the Valuation of the Whole, or of its different Portions, according to the Old and New Extent. There is subjoined a Reference to the Volume and Folio of the Record; and where the Retour is of a complex Kind, there is added a Reference to the other Counties under which, in their Chronological Place, the other Portions of the Retour are to be found. In Connection with this Part of the Work there are given Alphabetical Indexes both of Persons and of Places; and for the Sake of easy Reference in these Indexes, the successive Articles of the Abridgment under each County are regularly numbered.

In the Arrangement of the Retours of General Services the Order of Time has been observed; and in framing the Abridgment of each, nothing more has been necessary than to specify the Names of the Heir and the Ancestor; their natural Relation to each other; and the particular Description of Heirs to which the former belongs. In like Manner as in the Abridgment of the Special Retours, there is subjoined a Reference to the original Record; and in Connection with this Part of the Work there is given an Alphabetical Index of Persons, in which the References are likewise made to the Numbers of the successive Articles of the Abridgment.

The other Classes of Inquisitions retoured to Chancery, and there recorded, are of inferior Importance to those hitherto considered. One Class of these originates in what is called the Brieve of Tutory; and has for its Object to ascertain who is the Person that by Law ought to be appointed to the Office of Tutor to a Minor under the Age of Puberty, as being the nearest Agnate or Paternal Relative, of the Age of Twenty-five Years. Another Class originates in what is called the Brieve of Idiotry or of Furiosity; the Purpose of which is to ascertain, in the First Place, the mental Incapacity of the Individual alluded to for the Management of his own Affairs; and, in the Second Place, who is the nearest Agnate of proper Age and Capacity on whom that Management is to be devolved. *In the following Abridgment, the Retours of both these Classes have from their Analogy been arranged together in the Order of Time, under the general Title of "Inquisitiones de Tutela."*

Two other Sorts of Retours have been found in these Records; but so few in Number, that it has been thought fit, instead of abridging them, to print them entire in an Appendix. These are, in the First Place, Inquisitions of the Extent or estimated Value of the Whole of the Lands of a County or other District; of which, it is to be regretted, that only a few have been preserved: And, Secondly, Inquisitions taken and retoured to Chancery, in virtue of an Act of the Parliament of Scotland, 1584, c. 2. of which the Object was to ascertain the Real Estates of which Persons forfeited for Treason were in Possession for Five Years preceding the Dates of their Forfeiture.

The present Work has been brought down no further than to the End of the Seventeenth Century. It embraces the Contents of about Forty-nine Volumes of the Record; as also those more ancient Retours which have been deposited in Chancery at a later Period, and which are to be found in the posterior Volumes of the Record. And as a necessary Supplement to the Work, there is annexed an Abridgment of those original Retours of which the existing Books contain no Record, but which were fortunately recovered to the Public in the Manner already alluded to. An accurate Copy of these Retours has also been made, and deposited in the Chancery Office.

It may be proper to add, that throughout the Whole of this Abridgment, the Names of Places, as given in the Record, have been exactly followed. Where the Record was known to be grossly erroneous in this Respect, the true Name or spelling has been frequently added, within Brackets; and where a gross Error was suspected, a conjectural Reading, followed by a Point of Interrogation, has sometimes been inserted. But there is good Reason for believing that many other Errors of the same Kind exist in the Record, and have been unavoidably transferred into the Abridgment, which only a minute local Knowledge could possibly have afforded the Means of detecting.

THO. THOMSON.

(No. 2.) *Parochial Registers.*

Extract of a Letter from the Deputy Clerk Register to John Connell Esq. Advocate, Procurator for the Church of Scotland, upon the Subject of Parochial Registers of Births, Marriages, and Deaths, throughout Scotland.

Edinburgh, May 23, 1810.

I presume that no Diversity of Opinion can exist as to the high Importance of such Registers, both to the Interests of Individuals, and on public Grounds, as illustrative of the progressive Population, and the Political State of the Kingdom; and I am afraid, that, as little Doubt can be entertained of the very defective Manner in which those Registers are now formed, and the very serious Hazards and Injuries to which they are afterwards exposed in the private Custody of the Parochial Officers by whom they are kept, as well as in their successive Transmission from one Office to another.

I believe,

Appendix, (W. 7.) Fourth Annual Report of Deputy Clerk Register, 1810.

I believe, that over the Conduct of Session Clerks, in the Formation of these Registers, no regular or efficient Controul has been hitherto exercised or established; and even where the Clerk is disposed to discharge his Duty with Fidelity, I believe that he does not conceive himself to be bound, or even entitled, to make any Entry in his Register, unless when required by a Party concerned. But such Requisitions are rarely made by the Parties, unless with a View to their own Admission to some Ecclesiastical Privilege; and hence it muſt be obvious, that, in the present State of religious Dissent in Scotland, a considerable Proportion of Births must, on this Account alone, be in general omitted altogether in the Parochial Registers.

With respect to their subsequent Custody, it is unnecessary to point out the Hazards to which they must be exposed in the private Houses of the Parish Officers, by whom they are usually framed; and I am besides very fully persuaded, that here, as much as in the Case of any other Public Record, it is expedient, in the Way of Controul, that it should not permanently remain in the Hands of the Officer by whom it has been originally framed, but should be periodically transmitted and placed under the Custody of some other public and responsible Officer.

But without enlarging on the Defects of the present System, I shall beg Leave to give you in a few Words, an Outline of the Plan which has occurred to me as necessary to the accurate Formation and safe Custody of this Class of Records. I need scarcely premise, that what I have to propose, cannot be carried into Effect without the Sanction of an Act of Parliament.

1. That it be made the positive Duty of the Session Clerk, without any Exception whatever, to record every Birth, Marriage, and Death, that takes place in the Parish, and which reaches his Notice, whether he be specially required to do so or not.

2. That, for every such Entry, the Session Clerk be entitled to demand a certain moderate Fee; and in case the proper Party shall omit, within a certain Time, to enter the Birth, Marriage, or Death, and to pay the Fee of Registration, that it be competent to the Clerk to recover a certain larger Sum in the Name of Fine or Penalty, on a summary Complaint to the Justices of the Peace. Paupers to be of course exempted from the Payment of such Fees, Fines, and Penalties.

3. These Registers to be kept in Books of a certain Standard, Quality, and Form, and of a moderate Size; previously marked on every Leaf, and doqueted by the Presbytery Clerk, somewhat in the same Manner with most other Classes of the Public Records now established in Scotland.

4. At the End of every Year, the Register to be minutely examined by the Minister and Kirk Session, and the Result of such Examination entered on the Record, and duly attested.

5. If any culpable Inaccuracy should be detected, certain Fines and Penalties to be imposed on the Session Clerk, to be levied for the Benefit of the Poor; and if a criminal Breach of official Duty has been committed, that it be reported to the Presbytery, and be punished by Suspension or total Deprivation.

6. A Duplicate of the Register to be made by the Clerk, and to be compared and certified in the Kirk Session, at their annual Meeting for that Purpose above mentioned.

7. At certain Periods of moderate Length, and not exceeding Seven or Ten Years, the principal Registers of the several Parishes in each Presbytery to be transmitted by the Presbytery Clerk, and new Books to be then issued to the several Session Clerks, in the Form already prescribed.

8. The Duplicates of the Registers to remain in the Custody of the respective Kirk Sessions, for the Use of the Inhabitants of the Parish.

9. It will be Matter for deliberate Consideration, whether the principal Registers should ultimately remain in the Custody of the Presbytery, or be transmitted for still greater Security, and more extensive Usefulness, to His Majesty's General Register House at Edinburgh.

These are the rude and very general Outlines of the Plan which has occurred to me on frequently considering the Subject. It can scarcely fail to interest the Members of the General Assembly of the Church, whether Clergy or Laity; and as they are peculiarly entitled and qualified to judge of the Expediency of such a Measure, I should think it fortunate for the Public if it could be fitly brought under their Notice, and if any Steps should be adopted, by which a well-digested Scheme might, with their Concurrence and Approbation, in due Time, be submitted to the Consideration of Parliament.

I have the Honour to be, &c.
THO. THOMSON.

EXTRACT from the Minutes of the General Assembly of the Church of Scotland.

Edinburgh, Saturday, May 26, 1810. Session 9.

The General Assembly proceeded to consider the Overture respecting the Registration of Baptisms, &c.; which being read, the Assembly approved of the Measure proposed in the Overture, and appointed a Committee to take the Subject of the Overture under their Consideration, to digest the Matters contained in Mr. Thomson's Letter, to communicate with him upon the Subject, and to report to the next Assembly. The Procurator to be Convener.

(W. 8.)

Report of the Committee of the Lords of Council and Session, appointed to consider the Fourth Annual Report of the Deputy Clerk Register.

THE Committee appointed to consider the Fourth Annual Report of the Deputy Clerk Register, and state to the Court their Opinion on it, have examined it with Attention, together with the Appendix annexed to it, and have also inspected the Progress made in the great National Works now carrying on by the Commission upon the Public Records of the Kingdom; and it is now their Duty to submit their Remarks to the Consideration of your Lordships.

On the present Occasion, however, the Committee have the greatest Satisfaction in declaring, that they find this Duty nearly altogether superseded by the learned, comprehensive, and enlightened Views afforded by the Report itself, on the highly important Matters to which it relates, and by the Ability and Success with which the Business is conducted.

The great Progress made in furnishing a correct Edition of the Statutes, notwithstanding Difficulties that had hitherto proved so unsurmountable, must be Matter of mutual Congratulation to your Lordships, to the Bar, and to every Man of Information in the Country.

The Measures taken for collecting and bringing to light the remaining Fragments of our ancient Laws, and more important public Documents, are adopted with such Skill and Prudence as cannot fail to meet with the Approbation of every Person competent to form any Opinion on the Subject.

And the Access now in such Forwardness to the Royal Charters of remote Times, to the Retours of Services, and to that Mine of our older Judicial Proceedings which has been hitherto unopened, affords a Prospect of conferring on the History of our Law a Degree of Precision and Certainty as desirable as formerly it was hopeless.

We cannot, however, leave this Subject without expressing our Hope and Confidence, that a Commission, which has done so much for the Law and Antiquities of this Country, will persevere in the enlightened System of Proceeding which it has hitherto adopted; and that the Legislature will enable it to bring to light, with that discriminating and considerate Wisdom with which its Measures are distinguished, whatever is extant in Record, or can be traced as authentic, that promises to afford desirable Materials for the Lawyer, the Antiquary, or the Historian. Nor can we refrain from avowing the serious Satisfaction we have experienced in observing that Soundness of Judgment which the Report displays, in suggesting the various Matters, whose superior Importance demands their Publication, while a Selection only is recommended, where there is a Risk of an Accumulation of Matter more likely to encumber, than instruct the Studious.

The Court must of course be much gratified at learning from the Report, the successful Introduction of those Improvements in keeping the Records, which were suggested in the former Reports, and have been authorised by late Acts of Sederunt; and the promising Appearances, that the Measures taken will be attended with the beneficial Consequences which were expected from them.

The Committee concur very decidedly in approving of the Suggestions in the Report, as to procuring suitable Accommodations for the County Records; and the Hints given, that proper Jails ought now to be furnished, from Sources which are very different from those resorted to for that Purpose in the Seventeenth Century, are certainly just. In former Times a Sort of Police was maintained by the Proprietary Jurisdictions, which had Jails belonging to them. These are now obliterated; and the Villages swarm with Manufacturers; so that there is neither Principle nor Justice in continuing in the present Times to impose on the Royal Burghs, however decayed or insignificant, the Burden of supplying the Country with Jails; a Burden now of great Magnitude, both from augmented Population, and from the Information and Humanity of the Age, which exact decent Accommodation for Persons even of the worst Descriptions.

The Court require no additional Evidence to convince them of the patriotic Zeal which the Lord Clerk Register exerts in every Quarter to perfect the System of our Records, and establish the most improved Method in their Formation, Arrangement, and Preservation. Much Expectation therefore, will naturally be indulged as to the Perfection that this highly valuable Institution may soon attain; and it would certainly be Matter of much Regret, if a Revenue requisite for accomplishing a Design of such superior and unquestionable Utility should be withheld, and the Success of Efforts, dictated by so much public Virtue, and Knowledge of the Business, be thereby in any Degree crippled or impaired.

C. HOPE.
ALLAN MACONOCHIE.
W. ROBERTSON.

Edinburgh,
June 20, 1812.

Proceedings of the Court of Session upon the above Report.

The Lords approved of the above Report, and ordained the same to be entered in the Books of Sederunt; and further directed the Deputy Clerk Register to transmit Copies thereof to the Lord Clerk Register, and likewise to the Right Honourable His Majesty's Commissioners for the Preservation and Arrangement of the Public Records of the Kingdom.

APPENDIX, (W. 9.)

Fifth Annual Report of Deputy Clerk Register, 1811.

(W. 9.)

Fifth Annual Report of Deputy Clerk Register of Scotland.—1811.

To the Right Honourable Lord Frederick Campbell, Lord Clerk Register.

THE last Annual Report which I had the Honour of addressing to your Lordship, embraced a considerable Range of Topics connected with the State, both of the General Records of the Kingdom, and those of a local Nature. The Extent of these Discussions enables me to limit my present Report to comparatively a few Particulars, demanding your Lordship's more immediate Notice.

I.—GENERAL RECORDS OF THE KINGDOM.

1. I formerly stated to your Lordship, that several Alterations in the Distribution or Allotment of the Apartments of the General Register House had become expedient and practicable; and, in the course of the last Year, such of those Arrangements as were more immediately necessary to the Public Service have been carried into Effect. By an Act of Sederunt passed on the 10th July 1811, the Three separate Offices for the Registration of Deeds, Probative Writs, and of Instruments of Protest, in the Books of Council and Session, which previously occupied Three of the smaller Apartments of the General Register House, have been at length consolidated into one Office; and for its Accommodation, the large Apartment hitherto occupied by the Justiciary Office, and a smaller adjoining Apartment, have been suitably fitted up.

In the Prospect of this New Arrangement, One of the large Apartments formerly occupied as an Extracting Office, has been commodiously fitted up with Presses and other Furniture for the Reception of the Records of the Court of Justiciary. For the orderly Disposal of these very important Records, no adequate Provision had been made in their late Repository; but the Defect, which was an obvious one, has been very completely remedied; and, in this new Office the Records of the High Court of Justiciary, and those of the Three Circuits may be arranged separately, and in such a Manner as to provide for the progressive Accumulation of each Class for many Years to come. A small adjoining Apartment, formerly occupied by One of the Offices for the Registration of Deeds, &c. has also been found requisite for the Accommodation of the Clerks of Justiciary.

The Apartment originally allotted to the Clerks of the Court of Teinds, having proved extremely inadequate to their suitable Accommodation, and the Records of that Department having accumulated beyond the Possibility of regular Arrangement within such narrow Bounds, another of those larger Apartments lately occupied as an Extracting Office, has been fitted up with Shelves to serve as a Repository for those Records; and for carrying on the ordinary Business of the Office, a small contiguous Apartment, formerly occupied by One of the Offices for the Registration of Deeds, &c. has been altered and fitted up with the necessary Shelves and Furniture.

The Apartment hitherto occupied by the Teind Office, adjoining to the Bill Chamber, may be now very suitably appropriated to the General Register of Hornings and Inhibitions; and as the present Accommodation of the Officers and Clerks belonging to the General Register of Seisins is insufficient, I would propose to enlarge it by the Addition of the present Horning Office.

Prior to the late Act of Parliament, (50 Geo. III. cap. 112.) "For abridging the Form of extracting Decrees of "the Court of Session," these Decrees, with the corresponding Warrants or Processes, were delivered, in the first Instance, by the extracting Clerks (Eighteen in all) to Three of their own Number, called Collectors of Dues, by whom these Records were respectively arranged in Three distinct Series, and lodged in Three separate Offices, preparatory to their final Transmission, at the End of Ten Years, to the General Repository of the Register House. In the Sequel, I shall have occasion to consider more particularly the apparent Deficiencies in the late Act of Parliament, in regard to the Formation and Arrangement of the Judicial Records of the Court of Session: and, under this Head, I am merely to state, that One large Apartment having become necessary for their intermediate Deposit, it has been fortunately found in that lately occupied by the Third Extracting Office. This Apartment has been fitted up with Shelves and Tables, and will be hereafter the Place of Arrangement and intermediate Deposit between the Offices of the Clerks of Session, and the General Repository; into which, at the End of Five Years, the Judicial Records of that Court must be progressively transferred.

Under the late Act of Parliament above mentioned, a new Office has been created, for collecting those Fees on the successive Steps of Judicial Procedure, which constitute what the Act denominates the Fee Fund; and by the Judges it had been thought requisite, that an Apartment in the Register House should be appropriated to the Col-

lector. One of the Three Apartments formerly set apart for the Purpose of arranging the Records of the Court of Session, has been accordingly allotted to the Office of the Fee Fund. The Two other Record Rooms, together with a small Apartment lately occupied by One of the Three Registers of Deeds, &c. now remain unappropriated; but are still occasionally used by the Clerks of Session, whose Accommodations for Transcribers are scanty.

In my last Report * I stated, that in the Apartments occupied by the Clerks of Session and their Deputies, there had been gradually accumulated a vast Mass of unextracted Processes and other Judicial Proceedings, which by the existing Laws and Usage are not transmissible into the Repository of the General Register House, and to which, indeed, in the proper Apartments of that Repository no adequate Space could be conveniently allotted. For these extraneous Records, the Clerks of Session have become anxious and urgent for some fit Place of Deposit; and it has been proposed, that a certain Number of the small Rooms in the basement Story of the House should be set apart, and prepared for their Reception. I am not aware of any better Mode of disposing of these extraneous Records, the Consultation of which cannot be very frequent, yet the Arrangement of which, in an accessible State, is certainly expedient. I must however repeat the Observation made in my former Report, that before these Records are removed, it will be necessary that Inventories of the Whole should be framed; and for that Purpose, I trust, that some Arrangements will be speedily made.

Before quitting this Head of my Report, it may be proper to mention, that I have been requested by the Procurator for the Church of Scotland to propose to your Lordship, that an Apartment in the Register House should be allotted to the Records of the General Assembly, and the other Manuscripts belonging to the Church. Regarding these as important National Muniments, there is evidently no fundamental Objection to the Proposal, if the Measure should be found expedient or practicable. At present these Records are deposited in a small Gothic Aisle of St. Giles's Church, contiguous to that in which the General Assembly is held; and on examining the Place, I have found it in a most neglected and almost ruinous State. It appears to me, however, to admit of being completely repaired, and rendered not merely a safe, but a very handsome Repository; and if the necessary Funds for that Purpose can be procured, it is obviously the most eligible Situation in which the Records of the Church can be placed. Having already communicated these Views to the Procurator, and having Reason to think they will be acted upon, I need not at present trouble your Lordship with any further Observations on the Subject.

II. The Consideration of the several Arrangements now alluded to, is intimately connected with another Subject, to which, at least in general Terms, I have had occasion to call your Lordship's Attention in all my former Reports: I mean the Necessity of enlarging the ordinary pecuniary Establishment of the General Register House, and also of providing immediately for some Part of that extraordinary Expenditure which would be requisite for putting the whole into a suitable State of Repair. From the Opinions which have been so strongly expressed by the Court of Session, I can entertain no Doubt of the successful Result of a regular Application on the Subject; and, in that View, I will now take the Liberty of entering somewhat more fully into the Grounds and Details of such an Application, keeping in view, as a fit Precedent, the Proceedings which were adopted by your Lordship on a former Occasion.

In the Year 1791, a Memorial † was presented by your Lordship to the Lords Commissioners of the Treasury, setting forth, that the Edifice commonly called His Majesty's General Register House, which had been then recently erected, by the Bounty of His Majesty and the Public, as a Repository for the Records of the several Supreme Courts of Law in Scotland, as well as for the ancient Muniments and General Records of the Kingdom, was still defective in many Articles of furnishing, which could not be procured without an additional Grant of Money from the Crown:—and further, that in order to maintain and keep in Repair this great public Edifice, there would be wanting an annual Establishment, amounting to the Sum of £500.; of which Sum there should be allotted £100. as a Salary to the Deputy Keepers of Records; £200. to the necessary Repairs of the Building; £100. to the Expence of Coals and of Lamps; £50. as Salary to a Surveyor or Overseer of the Building; and £50. to Porters and Servants in daily Attendance.

In consequence of this Memorial, and of a Report thereon by the Barons of Exchequer, Two separate Warrants under the Privy Seal, were issued; by the one of which, His Majesty authorised the Lords Commissioners of the Treasury, and the Barons of Exchequer, to issue and pay out of any of the Revenues of Customs and Excise in Scotland, applicable to the keeping up of the Courts of Session, Justiciary, and Exchequer there, to the Lord Clerk Register, without Account, the Sum of £1,525. 8. 2. to be applied towards defraying the Expence of completing and fitting up the General Repository for the Public Records of Scotland. And by the other War-

* See Fourth Annual Report.

† This Memorial, with the Report of the Barons of the Exchequer, and the Royal Warrants proceeding thereon, are subjoined to this Report.

Appendix, (W. 9.)

Fifth Annual Report of Deputy Clerk Register, 1811.

rant, His Majesty authorized the Lords Commissioners of the Treasury, and the Barons of Exchequer, to pay out of the same Revenues of Customs and Excise, to the Lord Clerk Register for the Time being, the Sum of £500 yearly, to be applied in the Manner and according to the Allotments particularly specified above; but providing that the Lord Clerk Register should be obliged annually to exhibit in Exchequer an Account of the Application of the said Sum, and that the Balances unexpended should be charged in his next Year's Account, applicable to the Purposes of the Grant, as future Contingencies might require.

The Sum of £1,525 8. 2. paid under the first of these Warrants, was fully expended in various necessary Operations on the Fabric of the Building, as well as in fitting up and furnishing some of those Apartments into which the Public Records of the Kingdom have been transferred and deposited, and where the Public Business of this Department is carried on by the Deputy Keepers of Records. In virtue of the other Warrant, the Sum of £500 has been annually received, for the due Expenditure of which, Accounts have been regularly presented to, and passed by the Barons of the Exchequer.

Of this annual Sum, £200. are by the Royal Warrant appropriated to the Payment of Salaries to certain Officers and Servants. Of the remaining £300, the Sum of £100. was originally calculated as the annual Expence of Fuel, of Lamps, and of Candles;—and £200. were meant to be appropriated to the ordinary Repairs of the Building. But the Expence of Fuel and of Lamps has gradually risen to nearly double its original Amount; and as the neceffary Expence of keeping and cleaning the numerous Apartments of the House has likewise increased considerably beyond the original Estimate, the Consequence has been to reduce the Fund for the Expence of repairing and maintaining the Fabric to One-third of its original Amount, or to about £70 *per Annum*. In this Manner, on that most important but variable and contingent Head of Expence, the Maintenance and Repair of the Fabric of the General Register House, there would arise an Annual Average Deficiency of at least £130. even on the Supposition that the Sum originally destined to that Purpose would now be sufficient. But from the great Increase in the Wages of Labour, and in the Price of all necessary Materials during the last Twenty Years, the Sum of £200. would now prove very inadequate to this Branch of the Expenditure of the House; and, in addition to these Considerations, it must here be stated, that the necessary Repairs of the Fabric, and the various Alterations and Improvements rendered indispensable by the occasional Change of System in the different Offices, as well as by the rapid Accumulation of Records, beyond all former Experience, have of late Years been much more considerable than was contemplated when the present Establishment was granted. It has also been found from Experience, that the Establishment of Servants for cleaning the House had been calculated upon too narrow a Scale: And above all, one important Branch of Expence has been left altogether unprovided for; namely, that of putting the Public Records themselves into a better and more durable State. Under the Authority of His Majesty's Commissioners, much has been done to meet the Deficiency now alluded to, in so far as regards the more ancient and decayed Classes of Records: But, independently of these extraordinary Expences, for which no regular and permanent Provision could have been made, there is an obvious Necessity of providing for those ordinary and constant Outlays which are required for keeping the more voluminous Classes of Records in a State of good Repair, and for rendering them more useful and accessible.

To these growing Deficiencies in the ordinary Funds of the Establishment, the Attention of the Court of Session has been frequently called in the former Annual Reports; and the Opinions successively expressed by their Committees, and afterwards approved of and adopted by the Court, are so pointed, and of so much Weight, that it cannot be thought improper again to repeat them.

One of these Committees, in a Report, dated March 10, 1810, has stated, "That the Importance of maintaining the General Register House in the most perfect State of Repair, and of completing all the proper Arrangements in the Interior of the present Building, is abundantly manifest; and it is therefore, with sincere Regret, that the Committee have perused the Statements contained in One of the Annual Reports, from which it appears, that the present Funds of this Establishment are inadequate to the Objects in View. This is an Evil, to which of course it is not within the Competency of the Court to apply any Remedy; but the Committee may be permitted to express a Hope that the Subject may meet with that serious Attention elsewhere, which it so well deserves."

And, in a subsequent Report, (dated June 6, 1811), it is stated, that, "With respect to the pecuniary Establishment of His Majesty's General Register House, the Committee cannot refrain from expressing their Concern, as on a former Occasion, that any serious Deficiency should be experienced. To complete the necessary Arrangements in this great Repository of the Records of the Kingdom; to maintain it in a proper State of Repair; and, in some Degree, to anticipate or correct the incessant Injuries of Time and of Accident, on the vast Mass of Books and Papers which it contains, are Objects of high National Importance; and it is most earnestly to be wished, that the Means should be speedily provided for meeting that Expenditure, without which the Objects, now alluded to, cannot be attained."

These

These liberal Views cannot be too speedily carried into Effect; for the Delay of every successive Year has tended to accumulate Embarrassments and Difficulties, the Removal of which must gradually become more and more impracticable. After giving to the Subject all the Attention which it so much deserves, I am humbly of Opinion, that, for accomplishing the several Objects which have now been explained, there is indispensably required an additional Allowance of not less than £400.; making in all £900. In the Disposal of that Sum, I certainly conceive it adverse to the public Advantage, that the Lord Clerk Register should be fettered by any precise Scheme of Allotment; but it may be proper here to specify generally the several Heads of Service which will naturally fall to be provided for in every Year.

Under the present Establishment, it will be recollected, that £100. was allotted by the Royal Warrant to the Salary of the Deputy Keepers of Records; £50. to a Surveyor or Overseer of the Buildings, and £50. to Porters and Servants in daily Attendance; being in all £200. for Salaries. To this Sum, an Addition of not less than £50. ought to be made for the Purpose of improving the very limited and inadequate Establishment of Servants for cleaning the House: Indeed, I apprehend it to be obvious, that even this enlarged Sum of £100. a Year must prove rather a scanty Allowance.

According to the Calculation on which the present Establishment was founded, £200. were meant to be allotted to the Maintenance and Improvement of the Fabric of the Buildings. An Addition of £100. to that Sum, making in all £300., must be reckoned moderate, and indeed in point of practical Effect, will leave this Branch of the Establishment lower than it was in 1792, when the Wages of Labour, and Price of Materials, were scarcely a Half of the present ordinary Rates.

The Sum originally allotted to the Expence of Fuel and of Lamps was £100; but it has long proved inadequate to the Purpose; and, from the gradually increasing Amount of these Articles, I should think it prudent now to estimate this Head of Expence at £200. Under this Head, I would be understood to include several miscellaneous Articles of Expence connected with the cleaning of the Apartments in the General Repository.

To these former Branches of the Establishment, there remains to be added an annual Allowance for keeping certain Classes of Records in Repair; for improving their Accessibility by the Formation of progressive Indexes, and for various other Purposes connected with the Preservation and Arrangement of the Public Records. Under this general Head, a smaller Sum than £150. ought not to be stated; indeed a much larger Sum might be usefully and properly employed.

These various Sums, it will be found, amount to £900. *per Annum*; and it now remains for me to add, that a further annual Sum of £100 must also be provided for a particular Head of Service; the Nature of which will require a detailed Explanation.

In the Report from the Select Committee of the House of Commons, appointed to enquire into the State of the Public Records of the Kingdom in 1800, it was recommended that a "Record of the Proceedings of the "Court of Justiciary (in Scotland) should be made in the same Manner as the Books of Adjournal of the High "Court of Justiciary at Edinburgh, and deposited in the General Repository annually, if possible, or within such "other Period as the High Court of Justiciary may direct." By the same Committee, it was also suggested, that an Index to the Records of Justiciary was also wanting *.

In the year 1806, (Sept. 16,) His Majesty's Commissioners on the Public Records directed me, as Deputy Clerk Register, to report on the proper Mode of carrying into Effect the above mentioned Propositions respecting the Records of the Court of Justiciary †:—and, in 1807, (July 25,) my Report, on that Head, was "referred "by the Board to the Lord Justice Clerk, and other Lords of Justiciary, for their Approbation of the Measures "therein suggested; whereupon the Board would make Application to the Lords of the Treasury, for defraying any necessary Expences which might be incidental thereto ‡."

On the 2d of February 1808, the Lord Justice Clerk transmitted to the Commissioners of Records the Opinion of the Court on the several Measures suggested by the Deputy Clerk Register; expressing their Approbation of those Measures; but, at the same Time, stating, that, without a regular Allowance of considerable Amount, these Measures could not possibly be executed. This Letter to the Commissioners of Records, together with the Reports to which it relates, were presented by the Board to the Two Houses of Parliament, in the Year 1808, as a Part of their Proceedings, so far as related to Scotland §.

* See Report of Select Committee, page 18.

† See Proceedings of the Record Commissioners, 1806—8, so far as relates to Scotland, presented to Parliament, April 1808, page 4, and page 8.

‡ Ibid, page 13, and page 26.

§ See Proceedings, &c. page 57. The Letter is subjoined to this Report, p. 290.

The

Appendix, (W. 9.)
Fifth Annual Report of Deputy Clerk Register, 1811.

The Measures, thus recommended and sanctioned, were, in the first Place, the Formation of a proper Record of the Proceedings of the Circuit Court, not only in Time to come, but with a Retrospect to a certain Period; and, in the second Place, the Formation of regular Indexes of Reference to the Records, both of the High Court and of the Circuit Courts. Other Measures, requiring an immediate and extraordinary Expenditure, were also recommended; the Execution of which seems more properly to fall within the Province of His Majesty's Commissioners of Records; but, for the Purposes mentioned above, a regular and permanent annual Allowance would be requisite. After due Inquiry, I am of Opinion, that this Allowance cannot be stated at less than £100; and it was the Opinion of the Lord Justice Clerk, that it would amount to a still larger Sum.

In order, therefore, to carry these important Public Services into Execution, under the Inspection of the Lord Clerk Register, and the Deputy Clerk Register, and under the Control of the Court of Justiciary, I am humbly of Opinion, that the Sum of £100. a Year should be added to the other Allowances to His Majesty's General Register House; for the due Expenditure of which the Lord Clerk Register should be bound to account in Exchequer, in the same Manner as for the other Parts of the proposed annual Establishment. For a considerable Time to come, it is probable that this Addition will fall short of the necessary Expenditure on this Head: In other Years it may occasionally exceed that Expenditure; but, in either Case, I would propose, that the Balance, whether of Debt, or of Credit, should be carried to the General Annual Account to be made in Exchequer by the Lord Clerk Register.

Such are the Grounds upon which, I humbly conceive, an Application ought now to be made for an Enlargement of the annual Sum provided for the ordinary Expenditure of His Majesty's General Register House. For the Attainment of Objects of so much National Importance, the Allowance now proposed must, I conceive, be regarded as moderate; and I have only to add, that, with a View to the most economical and most useful Application of the Fund, according to the varying Circumstances of different Years, I should consider it as highly expedient, that the whole Sum should be granted as generally applicable to the Purpose of this Establishment, without any positive Allotment of particular Sums to particular Purposes, and without any other Obligation, than that of applying the Fund to the Support of the General Register House, and to the Preservation of the Public Records of the Kingdom, in such Manner, and according to such Proportions, as the Lord Clerk Register, in his Discretion, may judge necessary; subject always, as at present, to the Obligation of accounting for his Receipts and Expenditure annually in Exchequer.

The preceding Statements have an exclusive Reference to the ordinary Expenditure of His Majesty's General Register House: And it becomes necessary for me here to observe, that, in estimating the probable Amount of that Expenditure, I have not included those extraordinary Alterations and Repairs in various other Record Offices included within the Fabric of the General Register House, of which I have had Occasion to take Notice under the preceding Head of this Report; namely, in the new Justiciary Office; in the new Record Room and Office for the Court of Teinds; in the new Consolidated Office for the Registration of Deeds, &c.; in the Books of Council and Session; in the newly established Office for arranging the Judicial Records of the Court of Session; or in those Apartments which may be allotted to the "unextracted" Proceedings of that Court. All of these Alterations and Repairs, excepting the last, had become immediately and indispensably necessary; and, in order that the public Service might not be at a stand, Directions were given, that they should be executed without further Delay. The estimated Expence amounts to nearly £800;—for which, as for all extraordinary Expences connected with every Department of the Public Records of the Kingdom, I humbly conceive it to be the most regular and expedient Course, that Application should be made to the Treasury, in the Name of the Lord Clerk Register, as the great constitutional Superintendant of the Whole. If that Measure should not be adopted, it will remain for the Clerks and Keepers of Records in the several Departments to make their separate Applications; or, what seems rather more convenient, an Application in the Name and on Behalf of those several Clerks and Keepers of Records, may be made by the Deputy Clerk Register.

To the extraordinary Sum of Expence now mentioned will remain hereafter to be added, that of fitting up the Apartments in the basement Story for the "unextracted" Proceedings of the Court of Session; that of fitting up Offices of Record for the Supreme Commissary and Admiralty Courts; both of which (but more especially the latter) are in a most improper, and, I must say, a disgraceful State of Neglect;—and that of certain Repairs in the Bill Chamber, the Chancery Office, and the Offices for Registration of Seisins and of Hornings. These various Heads of Expence have been estimated, and will amount to above £700. It is needless, perhaps, to add, that these are Expences which could not possibly be defrayed, even out of the enlarged Establishment which has been proposed above, for meeting the ordinary Expenditure of His Majesty's General Register House.

III. Under the general Heads of the "Arrangement" and the "Preservation" of Records, I feel it unnecessary at present to add much to the Observations contained in my former Reports; but it must be satisfactory to your Lordship to learn from the Quarterly Reports to His Majesty's Commissioners on the Public Records, that during the last Year, very rapid Progress had continued to be made in repairing decayed

decayed Records, and in re-binding Books of Record. Without entering into minute Details, it may be enough to ſtate, that the Twelve Rolls of ancient Charters, (already printed), the Rolls of the Accounts of the High Chamberlain of Scotland, chiefly in the Fourteenth Century, and the Rolls of other Public Accounts in the Fourteenth, Fifteenth, Sixteenth, and Seventeenth Centuries, have been carefully cleaned and repaired; and that, besides several detached Volumes of decayed Records, a great Number of those which contain the Regiſters of Seiſins, and the Registers of Deeds, &c. have been carefully mended, preparatory to their being rebound. To these Two voluminous Classes of Records, the Operations of the Binder have been almoſt exclusively confined; of the Registers of Seiſins, General and Particular, above Twelve hundred Volumes, (in addition to those formerly reported), and of the Regiſter of Deeds, nearly Six hundred Volumes have been rebound. Of this last mentioned Record, the peculiar Utility of which is well known, your Lordship will not fail to observe with Regret, that in consequence of former Accidents or Neglect, a considerable Number of Volumes (above Twenty in all) are now in a State of such Decay as to be totally incapable of Repair.

When the whole of the Register of Deeds has been repaired and rebound, I propose to make some Alterations on its present local Arrangement in the General Respository. This Record consists of several diſtinct Series. From the Institution of the Court of Session in 1532 to the Year 1554, Deeds presented for Registration were blended together in the same Series of Books with the Judicial Decrees of the Court, and its Acts of Sederunt. In 1554 a Separation of these Three diſtinct Classes of Proceedings first took place, and has been ever since continued. From November 1554 to Auguſt 1659, a *single* Series of Registers for Deeds, &c. was kept, of which 621 Volumes are now extant. In 1661 an unfortunate Innovation took place, by permitting a separate Register of Deeds to be kept in each of the Three Offices of the Clerks of Session; and from that Period, down to the Close of the last Year, Three different Series of such Records have been framed, now consisting each of above Three hundred Volumes. To make way for the progressive Additions to each of these Three Sets of Registers, they have been placed in Three separate Apartments; and the earlier Series preceding 1661 has been placed in a Fourth contiguous Apartment. By an Act of Sederunt passed on the 10th July 1811, "concerning the Regis- "tration of Deeds, Probative Writs, and Instruments of Protest, in the Books of Council and Session," these Three separate Registries have been consolidated into One; and among the subordinate and incidental Consequences of this Change, I may here ſtate, that it will enable us to dispose of the whole of the Record of Deeds, &c. prior to January 1812, in One of the four Apartments, and a Part of another; and will thus be productive of considerable Economy in Space, as well as of Convenience in Consultation. This Alteration of Arrangement (as I have already hinted) I propose to make as soon as the Operation of rebinding these Records has been completed; at the same Time I shall regret if the Means do not then exist, of also *fitting up* the Apartments for that Purpose in a more commodious and suitable Manner than at present.

On the Head of "Arrangement," your Lordship will give me Leave to add, that I consider it as highly expedient, that One or Two of the smaller Apartments of the House should be fitted up in the most secure and most commodious Manner, for the Reception of the Records of Parliament, of Privy Council, and of Exchequer, and such other Registers or Documents as are more strictly of a Public Nature, which are at present dispersed in different Parts of the General Repository. All of these Records are now in Progress of being repaired and rebound in a Manner suitable to their Value and Importance as *great National Muniments*; and when these preparatory Operations have been completed, it seems a Measure of obvious Propriety, that the whole should be collected, and deposited in some one suitable Part of His Majeſty's General Register House.

IV. In my last Annual Report, I submitted to your Lordship a detailed Account of the various Works which were then either in Progress, or in Proſpect, for giving Publicity to some of the more ancient and valuable Classes of Records; and in the Quarterly Reports for the Year 1811, your Lordship will find the Particulars of the further Advancement which has since been made in these Works, under the Direction of His Majesty's Commissioners.

The Abridgment of the Record of Retours, from its present Commencement in 1547, to the End of the Seventeenth Century, having been finished at the Press, the Work has been published in Two Volumes in Folio; and in the Preparation of a Supplement to be drawn from Original Retours not on the Record, conſiderable Progress has been made.

But, during the last Year, the most important Branch of Progress, under this Head, has been in printing the "Acta Parliamentorum," or "Proceedings of the Three Estates in full Parliament." The Volume, now in the Press, has advanced from the Reign of James I. to about the Middle of that of James V.; and as it will close with the Reign of Mary in 1567, I have now no Doubt of its Completion within the Period promised in my last Report.

In the Collection of ancient Royal Charters, of the general Plan of which an Account was given in my former Reports, very considerable Advancement has been made during the last Year. From its Nature, it is a Work

 that

Appendix, (W. 9.)
Fifth Annual Report of Deputy Clerk Register, 1811.

that must be desultory and uncertain in its Progress; but as its Objects become more generally known and understood, it may be confidently expected, that the Repositories of Individuals, as well as the Archives of Public Bodies, will be more freely laid open to Inspection. The Indications of this increasing Confidence have been already such as to afford sanguine Hopes of ultimate Success in this important Undertaking, sanctioned as it has fortunately been by the Authority of His Majesty's Commissioners, and recommended, as it manifestly is, by its peculiar Importance to the legal and constitutional Antiquities of Scotland.

Among the Compilations intended to facilitate the Researches of Individuals, as well as to furnish directly much accurate and valuable Information, I shall here only mention the Abridgment of the Register of the Great Seal, or Record of Royal Grants and Charters, as one which has been regularly in Progress during the greater Part of the last Year, and the Publication of which will now be urged with as much Dispatch as may be practicable in a Work of so much minute Detail.

V. The Formation of progressive Indexes to the more voluminous and practically useful Records,—a Measure of which I have had Occasion to say so much in my former Reports,—has been effected, to a great Extent, by four different Acts of Sederunt passed by the Court of Session on the 10th July 1811. These Acts relate to the Registers of Deeds and of Protests, in the Books of Council and Session,—the Registers of Seisins, General and Particular,—the Registers of Hornings and of Inhibitions, General and Particular,—and the Register of Abbreviates of Adjudications: to each of which it now becomes a Part of the ordinary Duty of the respective Keepers to frame Indexes of Persons and of Places, to be transmitted to the General Register House, with the successive Registers, and their relative Minute Books. It is an important Part of the Plan, that at certain stated Periods, perhaps of Ten Years, these Indexes to single Books should be systematically digested into one Series; and, that the Indexes of these short Periods should be gradually generalized in such a Manner, and to such an Extent, as further Experience of their Utility may suggest. This important Operation is one of those connected with the Arrangement and improved Accessibility of the Public Records, in the Contemplation of which, I have suggested an Enlargement of the ordinary Funds of the General Register House.

Of all these Indexes, the most important and most complicated is that of the Register of Seisins; and having found a considerable Diversity of Opinion to prevail as to the most proper Mode of framing it, I have been anxious to collect the Suggestions of the Keepers of that Record, whose Experience best enabled them to judge in the Matter. The Delay which has been thus occasioned in the regular Commencement of the new System, will, I trust, be more than compensated by the consequent Maturity of the Plan to be ultimately adopted and enforced.

The Formation of a progressive Index to the Register of Decrees of the Court of Session, I have formerly stated as a Measure of obvious Expediency, for which no Provision had yet been made; but I have now the Satisfaction to think, that it may be effectually combined with another Measure for the Arrangement of the Judicial Records of that Court, to which I have already alluded, and of which I shall have yet to speak more fully in the Sequel.

As soon as the Formation of these progressive Indexes has been regularly begun, every Means shall be employed for carrying into Effect the Measure proposed in my former Reports, and sanctioned by the Committee of the Court of Session, and by His Majesty's Commissioners * of compiling similar Indexes to these Records, from the beginning of the present Century. Whether it may not yet be practicable to give the Measure a more remote Retrospect, I will not here venture to say. I have formerly stated my Opinion as to the Difficulties of such an Undertaking; yet I cannot even now abandon the Hope that the Means may be found of carrying it back for at least Half a Century, and of thus giving a vast Facility to all those Researches which have in View the prescriptive Period of heritable Rights established by the Law of Scotland, and which, in the Absence of all Aid of this Nature, are rendered extremely laborious and expensive, and not a little precarious and insecure.

VI. The "Recovery of lost Records," I am sorry to observe, can form little more than a nominal Head of this, as it has done in some former Reports. During the Course of the last Year, only Two Books of that Description have been recovered, which, though not of the highest Class in point of practical Value, I consider as here deserving of Notice. The one of these is a Register of Charters, Leases, and other Grants by the Cistercian Monastery of Cupar in Angus, from the Year 1539 till the Dissolution of the House at the Reformation. The preceding

* At a Meeting of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Saturday, 24th March 1810, it was ordered, "That the Secretary do inform "Mr. Thomson, that this Board approves of his proceeding to make such Indexes as he has described in his Third Annual Report, for the "Register of Seisins, and Records of Deeds, and Probative Writs, &c. reducing the several Indexes afterwards into one Series, each for "every Period of Ten Years, beginning with the present Century."

Volume of this Record, from 1443 to 1538, has been deposited in the General Register House probably ever since the Annexation of the Lands of that rich Abbey to the Crown; and in the Advocates Library is preserved an Abridgment of a still more ancient Record of its Endowments and Privileges. The other Record, to which I have alluded, is a Book of the Accounts of the Lord Treasurer of Scotland, for the Year 1620, by the Recovery of which one of the Imperfections in the existing Series of those interesting documents is supplied. These Two Books were lately exposed to Sale among the Collections of a deceased Antiquary *, and have been secured to the Public. Of their previous History I have discovered no Traces; but, by such Occurrences, we may be justified in cherishing the Hope that other more important Discoveries may yet be made.

Appendix, (W. 9.) Fifth Annual Report of Deputy Clerk Register, 1811.

VII. Under the general Head of the "Transference of Records" into His Majesty's General Register House, the only Instance I shall here have Occasion to mention, is that of the Registers and other Records of the Privy Council of Scotland deposited in the Justiciary Office, the Propriety of which I have had Occasion to state in my former Reports. From the Documents subjoined to this Report † your Lordship will learn by what Means these Records have been so long withheld from their proper Repository in the General Register House. It appears that on the Dissolution of the Privy Council of Scotland, in consequence of the Union 1707, several of its Registers and other Records, had been suffered to remain in the private Custody of a Person who had acted as an Assistant under one of the Clerks of Privy Council. This Fact having been communicated to the Court of Session in 1717, by one of the Lords, a Committee was appointed to examine into the Condition of these Records; and from an imperfect Minute of the Proceedings of that Committee, it appears, that Measures were taken for framing an Inventory of them, and for having them forthwith deposited in His Majesty's General Register House. By what Influence or Accident this laudable Purpose was then defeated, does not appear; but it may be inferred from the Documents in the Appendix, that in virtue of a Royal Warrant, these Records had been committed to the Custody of the Keeper of His Majesty's Signet, and his Deputy; and that by the same Authority they were transferred to the successive Keepers of the Signet till the Year 1746, when, by another Warrant, they were ordered to be deposited in the Court of Justiciary. From that Period these Records appear to have passed into the private Custody of the successive Clerks or Depute Clerks of Justiciary; nor was it till the Year 1800, that there existed a public Office or Place of Deposit for any of the Records of that Court, when the Whole were removed, together with those of the Privy Council, to an Apartment in the Buildings of the General Register House. In these successive Transfers, the Books or Registers appear to have passed according to an Inventory; but the Warrants and other original Documents were taken in the Mass (per aversionem) without any Specification of their Number or Contents. Of these Inventories I have discovered none prior in date to 1787; and in it the Number of Registers is stated to be 47, of which 33 Volumes are described as Acts and Decreets, from 1572 to 1705;—12 Volumes as Registers of State Affairs, from 1661 to 1703;—and 2 Volumes as Registers of Commissions for trying Crimes, from 1607 to 1624. Of the first of these Three Series, the 8th Volume is stated to be wanting; and, in a Note annexed to the Inventory, some Account is given of Two other Volumes, one of which has been since deposited in the General Register House, the other still remains in private Custody ‡. Besides these Volumes, there have been all along preserved in the General Register House 36 Books of the Register of Privy Council; of which, all excepting Two are prior in Date to the Restoration.

The Propriety of re-uniting these Two broken Series in one Place of Deposit did not escape the Attention of the Select Committee of the House of Commons in 1800; and the immediate Transference of those in the Justiciary Office to His Majesty's General Register House, was accordingly one of the Measures recommended in their Report, and which the Commissioners appointed by His Majesty to carry those Measures into Execution had therefore full Power to accomplish. In pursuance of the Directions of the Board on that Head, I accordingly addressed an Order to the Clerks of Justiciary, (annexed in the Appendix), authorizing and directing them to deliver into the General Repository in His Majesty's General Register House, upon Receipt, the several Books and Registers, as also all the original Warrants and Papers of the Privy Council of Scotland in their Custody,

* Mr. George Paton of the Custom-house, long well known as an industrious and intelligent Collector of Scottish and English History, Topography, and Antiquities. In Justice to the Memory of Mr. Paton, I am bound to disavow the slightest Suspicions of his having acquired those Books in any Way unbecoming the irreproachable character he had sustained throughout a long Life.

† These Documents are subjoined to this Report, Page 291.

‡ The Note above alluded to, written by the late Mr. Joseph Norris, Depute Clerk of Justiciary, is as follows: "There is in Possession "of the Clerks of Session a Volume of the Privy Council Record, beginning 24th May 1689, and ending 29th November 1689. "This Volume was some considerable Time ago put up to public Auction, amongst some other Books; and Notice thereof having been "communicated to the Court of Session, they ordained it to be taken into the Custody of the Clerks, where it still remains."

"There is in the Possession of the Lyon Clerk another Volume of the Privy Council Record, beginning 12th June 1567, and ending 27th "December 1569. This Volume was found amongst the Books of the late Lrod Alemore, at Hankhill, when his Library was sold to "Charles Elliot, Bookseller in Edinburgh, from whom it went into the Possession of the Lyon Clerk."

Of the subsequent History of this last-mentioned Volume, I have discovered, that, after the Death of Mr. Cumming, about the Year 1794, it was sold, with other Manuscripts, to Mr. Archibald Constable, Bookseller in Edinburgh, from whom it was immediately purchased by the late John Davidson, Esq. Deputy Keeper of the Signet; in the Hands of whose Executors it is understood now to be.

together

Appendix, (W. 9.)

Fifth Annual Report of Deputy Clerk Register, 1811.

together with an Inventory of the Books and Registers. This Order was forthwith obeyed; and, from the Delivery made by the Clerks of Justiciary to me as Deputy Clerk Register, it appears, that besides the Forty-six Books mentioned in the Inventory of 1787, there had been preserved several other Volumes of Privy Council Records, and a considerable Mass of Warrants and original Papers from the Restoration 1660 to the Union 1707. These Papers were in a State of the utmost Disorder and Neglect, and have been as yet only partially arranged; but the whole shall be carefully examined and reduced into such Order as their Nature may require. I trust, that in a short Time, the Whole of this invaluable Series of Records will at last be completely arranged, repaired, and rebound.

VIII. Passing to what concerns the "Formation of New Records," I have, in the first Place, the Satisfaction of stating, that by the Acts of Sederunt passed by the Court of Session in July 1811 *, the Regulations proposed in my former Reports for framing the Registers of Seisins, of Hornings, and Inhibitions, of Abbreviates of Adjudications, and of Deeds and Protests in the Books of Council and Session, have been carried into Effect. In what respects the Three former, I do not at present foresee the Necessity of any further Regulation; but with respect to the last, some new Arrrangements are still required to give complete Efficacy to the Provisions of the Act of Sederunt, the Nature and Occasion of which it becomes neceſſary here to explain.

In each of the Three Offices which have till now been open for the Registration of Deeds and Protests, there were Two principal Keepers (One of whom was usually a Sinecure Officer), and a certain Number of operative Clerks for writing the Records and the Extracts. But though the Three Offices were kept so far distinct, yet, in consequence of certain Arrangements among the Clerks of Session, the Whole of the Fees of these Offices were thrown into One general Fund. Of that Fund, which may at present be stated to amount to £3,000 per Annum, about One-half is paid in nearly equal Moieties, according to certain fixed Rates, to the Lord Clerk Register, and to the principal Clerks of Session, or rather to the Fee Fund, as entitled, under the late Statute, to draw that Proportion which formerly belonged to the principal Clerks. Of the remaining Half of the Fund, about Two-thirds are paid to the operative Clerks employed in writing the Record, and making the Extracts from that Record which are given to the Parties, and in defraying the Expence of the Books employed in framing the Record; and the remaining Third, or about a Sixth Part of the gross Fund, remains as a Balance to be divided among the Six Keepers, of whom, as already mentioned, Two or Three have been usually Sinecure Officers.

On considering the State of this Establishment, the first and most important Observation which occurs is, that the Allowance made to the operative Clerks is by no Means sufficient to secure the Formation of a proper Record. By the Act of Sederunt of July 10, 1811, regulating this Register, the Clerks are expressly required to write on an Average Two hundred Words upon each Page; and in adjusting the Fees of the Writing Clerks in the Registers of Seisins by an Act of Sederunt of the same Date, it has been determined by the Court of Session, that Six-pence for each Page is no more than a fair Allowance. But, according to the present Rate of Payment established in the Office for Registration of Deeds and Protests, the Proportion allotted to the Formation of the Record will amount to little more than Three-pence One Farthing *per* Page, or about One-half of what ought to be given for remunerating this most important Part of the Service. For this Purpose, it does not appear necessary that any additional Fee should be imposed on the Public; but I conceive it to be indispensably necessary, that there should be retained out of what is now paid into the Fee Fund as much as will make up the present Deficiency in the Rate of Payment to the Writing Clerks; and, in that View about a Half, or rather more than a Half of the Portion drawn by the Fee Fund, would be requisite. But by the Act 50 Geo. III. cap. 112. "For "abridging the Form of extracting Decrees of the Court of Session, &c." it is enacted, that the Proportion "which the Clerks of Session have been in use to receive of Fees paid upon Registration, and upon "Extracts of Deeds and Instruments recorded in the Books of Council and Session," shall be paid to the Collector, and "form Part of the Fee Fund thereby established:" And without the Authority of a repealing Act, it is obvious, that the Arrangement now proposed could not be effected. This, however, I humbly conceive to be a Matter of clear Expediency, and such as calls without Delay for the Interference of Parliament. Indeed, until the Plan now proposed, or some equivalent Measure, shall be carried into Effect, it is manifest that the Formation of this most important Record must proceed under the greatest Disadvantages.

Another Part of this Establishment which appears to me to require new Regulation, is the State of the principal Keepers and their Allowances. By the Consolidation of the Three Offices into One, it is obvious that their Number may be greatly reduced; and by means of that Reduction an Allowance nearly adequate to the Importance of the Trust may be obtained. I would therefore humbly propose, that, instead of Six Keepers of equal Rank and Emolument, some of whom never do any Duty at all, there should be One principal Keeper, and Two Assistant Keepers, among whom should be distributed in certain fit Proportions the whole of the Emoluments now received by the Six Keepers: Or rather, perhaps certain fixed Salaries payable out of the General Fund should be given to each; and, instead of burthening that Salary with the variable Expence of the Books in which

* These Acts of Sederunt have been already printed in the Appendix to the Fourth Annual Report, No. II.

the

the Record is to be written, and which, under the late Act of Sederunt, must be issued from the General Register House, I would propose, that the Net Expence of those Books should also be made a Charge against the General Fund. In making these Arrangements, it would probably be necessary to provide Compensations for at least Three of the present Keepers, who would thus be removed altogether; but the Amount of these would not be very considerable: and, after making an adequate Provision for all those effectively employed in keeping and framing this important Register, there would ultimately remain an annual Surplus applicable to the Fee Fund.

IX. On several Occasions, and particularly in my First Annual Report, I have ventured to call your Lordship's Attention to the Formation and Arrangement of the Judicial Records of the Court of Session; and although the Subject has lately undergone much Discussion, and has recently been under the Consideration of Parliament, it appears to me, though with great Deference, that some farther Regulations are still wanted, and have indeed become necessary to remedy some Defects created by the late Statute. These I shall endeavour to explain with as much Brevity as possible.

From the earliest Period, it appears to have been justly regarded as an important Object, that there should be framed and preserved a regular and complete Record of the Judicial Proceedings of all the Courts of Law, both Civil and Criminal, and more especially of the Courts of Supreme and Paramount Jurisdiction. Accordingly it is known to your Lordship, that there is preserved in the General Register House an almost unbroken Series of the Register of Decrees of the Court of Session, from its Institution in 1532 down to the Period of the late Act of Parliament (50 G. III. c. 112). In framing those Registers, the same Degree of Fulness and Minute Detail has not always been given; but at every Period, the Nature and Ground of the Proceedings, and the successive Acts and Judgments of the Court have been accurately preserved; and in later Times, as is well known, every Part of the Pleadings, however voluminous, was repeated in the registered Decree.

The Formation of this Record, in every Case, has been long connected with, and made dependent upon, the Demand and Payment for Extracts or Exemplifications from the Record for the Purposes of Execution: And as the superfluous Length and consequent Expence of such Extracts had made them to be generally felt and acknowledged as a Grievance, it was at length regarded as a Matter of sound Policy to abolish the ancient Forms altogether, and to substitute, in their stead for the Purposes of Execution, Abridgements so extremely short and meagre, as to furnish no Information respecting the Nature and Progress of the Proceedings upon which the ultimate Judgements of the Court had rested. In a Word, for every Purpose of legal Information, the abridged Form of framing, recording, and extracting the Decrees of the Court of Session has been rendered completely uninstructive.

1. Upon the Propriety of abridging the Extracts of Decrees furnished to the Parties, there is here no Occasion to make any Remarks, further than to say, that the just Abhorrence of the Evil which had been before so loudly complained of, may perhaps have induced the Authors of the Measure to carry it somewhat beyond the exact Limits of real Utility. The Point to which I am here desirous of adverting is not essentially connected with the Formation of those Extracts; at the same Time, it has been accidentally and most unfortunately so connected in the old System, by making the Duties and the Emoluments of the Clerks in framing the Registers of the Decrees of the Court to depend upon the fortuitous and irregular Demands of the private Parties for Extracts from the Record. I am not prepared to say, that, in sweeping away the old cumberous Extracts it would have been expedient to provide the Means of continuing the Record itself in the same Form as before. It must, however, be admitted, that the Preservation of such a complete Record of the Proceedings of the Court, (accompanied as it ought to have been by proper Indexes of Reference), might not only have been of great Use for the Purposes of Research, but that it was in itself no unsuitable Monument to the Laws and Justice of a civilized and enlightened Country.

But taking it for granted that the Continuance of a Record in this Form was unnecessary or inexpedient, it must surely be admitted that an adequate Succedaneum ought to be provided; for it cannot surely be Matter of serious Question that the Proceedings of the Supreme Court of Justice in civil Causes ought to be preserved entire and accessible at every future Period. For this Succedaneum it now becomes necessary to look to the original Process consisting of the detached Pleadings and Productions of the adverse Parties, and the Interlocutors of the Court which are usually inscribed on those Pleadings. To those who are unacquainted with the Practice of the Court of Session, it would not be easy to convey an adequate Notion of the usual State of these Originals or "Processes" as they are technically called: But on the present Occasion it may be enough to say, that they are framed without any Regard to Uniformity or Regularity of external Appearance; and that in the Course of a Litigation of even moderate Length, they are often so much injured and mutilated as to be unfit for Preservation.

In this last Observation, it will readily be understood that I allude to the well known Practice of lending out the "Process" to the Parties, and their Agents; in whose Hands it meets with much careless and irreverent Treatment. This Practice of borrowing the original Proceedings is one so long established by Usage and so intimately connected

 with

Appendix, (W. 9.)

Fifth Annual Report of Deputy Clerk Register, 1811.

with the inveterate Habits and Modes of conducting Business which prevail among the legal Practitioners of the Court, that any Attempt to put an End to it, or even by stricter Regulations to diminish the Facilities hitherto allowed would certainly prove ungrateful to such as have no distinct Perception or strong Feeling of the ulterior Objects aimed at in the Preservation of those Judicial Records. I cannot however allow myself to doubt, that the Importance of those Objects will be thought to warrant the Sacrifice of some petty and temporary Conveniences; and without presuming here to propose any finished Plan, a Task for which I am by no Means prepared, it may not prove useless or out of Place to suggest a few general Hints upon the Subject.

If the Original Process, or what under the old System were called the Warrants of the Decree, are now to be looked to as the only complete and authentic Record of the Proceedings of the Court, it becomes important in the first Place, that the different Parts of the Process should be so framed as to admit of being bound up in regular Volumes; for past Experience has fully demonstrated, that of all the possible Modes of transmitting Records to Posterity, the most insecure, as well as the most troublesome, is by Bundles of detached Papers; against the Disorder and Loss of which no Diligence or Fidelity can fully secure. In the View of ultimately reducing these Original Proceedings into Volumes or Books of Record, nothing more is requisite in the first Instance, but that the Parties should be required to write their Pleadings upon Paper of a standard Size and Quality; and for that Purpose, the most proper in every Respect is that which has been lately adopted into General Use for the Public Records of Scotland; some Additional Regulation might also be proper for compelling the Parties to execute these Writings with greater Care and Accuracy.

"It is a Matter of more difficult Regulation to provide against the Injuries and Losses to which these Original Proceedings are exposed, during the Dependance of the Suit to which they relate. I could sincerely wish it might be possible to strike at the Root of the Evil, by abolishing altogether the Practice of lending the Original and authoritative Papers of the Process. In considering how far such a Plan would be expedient or practicable, I would beg Leave to refer to a Proposal suggested in my First Annual Report,* of "separating the Record of a Civil "Process into two Parts; the one of which may be called the Primary or Principal Record, the other the Secondary "or Extraneous Record. In the First should be included the Original Writ by which the Action is brought, the "Original Plea in Defence, and the Interlocutors and Judgements of the Court, all in due Order. These ought to be "contained in one Series of Sheets of Paper; they ought to remain constantly in the Hands of the Clerk of Court; "and to prevent the Necessity of borrowing these Originals, there ought to be a Duplicate of the Interlocutors and "Judgment, for the Use of the Parties,"—"the Extraneous Part of the Record would of course consist of the written "Pleadings of the Parties, and of the documentary or Parole Evidence that might be exhibited by them; and were it not "for the Expence attending such a Measure, it would be expedient that this Part of the Process also should remain "always in the Hands of the Clerk without being borrowed by the Parties. At the Termination of a Suit it might "be sufficient to give to the successful Party a Decree in due Form, digested from the Materials of the primary Record, "having perhaps annexed to it a Schedule, or Inventory of the Papers contained in the Extraneous Record. Of "neither of these however ought any new Record to be made for Preservation; but the Originals ought to be "bound up in regular Volumes, and preserved in the same Manner." In this View it was suggested in the Report here referred to, not only that the different Parts of the Process should be written upon Record Paper of the Standard, Size and Quality; but it was proposed, and the Measure was soon after carried into Execution by an Act of Sederunt, that of those Pleadings and other Papers which are printed for the Use of the Judges, an Impression on Record Paper should be substituted in place of the written Copies of those printed Papers formerly in Use, and with the written Signature of the Counsel should be received as an Original and authoritative Record, and preserved as such with the other Records of the Kingdom. The Expence, it was observed, which would be thus saved to Litigants in the Court of Session would be very considerable, not less than several thousand Pounds a Year;—and among the collateral Advantages that may be derived from the Measure, it is certainly none of the least, that it entirely supersedes the Necessity of lending those Parts of the Process; the Copies printed for the Use of the Parties make it unnecessary to borrow the Record, and the only Motive for doing so which now remains is to obtain the Interlocutors of the Court, which still continue to be written on the Ends and Margins of those Papers. But of these Interlocutors, whether written as at present, or in the Manner suggested above, in a separate Series of Sheets, a Duplicate for the Purposes of borrowing and lending might be made. Thus far there are no serious Obstacles in the Way of the proposed Improvement on the present System, and it only remains to be considered whether or not the written Pleadings and Process prepared during the Dependence of Causes in the outer House might not also be rescued from Injury and Loss, by requiring Duplicates to be made and lodged for the Use of both Parties. The Expence of making those Copies seems the only Obstacle to the Adoption of the Measure, but that Expence would probably be more than compensated to the Parties by the Saving

* See First Annual Report.

which

which has been produced under the Act of Sederunt above alluded to, respecting the printed Pleadings of the Court.

These Observations I have ventured to throw out, rather as Matter for farther Discussion and Inquiry than as the Outlines of a regular Plan. I am fully aware of many of the minor Difficulties and Objections which might be thought to come in the way of its Adoption; but these I am confident might easily be surmounted; and the Object in view is one of so much Importance, as to merit the immediate and most serious Consideration of the Court. Under the Operation of the present Law and Practice, there does not exist any Thing for future Preservation deserving of the Name of a Record of the Proceedings of the Court of Session. In point of Value and Utility as a Record, the nominal Register of Decrees, in their present abridged Form, may be accounted as substantially nothing: And to supply the Deficiency, nothing remains but the Originals of the Process, of the wretched Condition of which the Judges of the Court must be too well aware, not to perceive the Necessity of adopting some Measures of Regulation of the Nature of those which have been now suggested.

2. Another Matter, to which I must here call the Attention of your Lordship, regards the Arrangement of the Judicial Records of the Court of Session. Under the former System, these Records were framed by Eighteen different Officers, called Extractors, of whom Six were attached to each of the Three Offices of the Clerks of Session. And in each of these Offices one of the Six Extractors was employed under the Name of a Deputy-Collector, to receive Payment of the Fees upon these Records, to arrange the Records and the Warrants of that Office into regular Order, and to retain them under his Custody, in a Record Room set apart for the Purpose, until at the End of Ten Years they were finally transmitted to the General Repository in His Majesty's General Register House. In this Manner, ever since the Establishment of the Three Offices after the Restoration 1660, the Register of Decrees, and the relative Warrants, have been arranged and preserved in Three separate Series, although it would have been evidently more expedient to reduce the Whole into one regular Series, as the Practice had been from the Institution of the Court till the Period of the Restoration. The Three Extractors thus employed in arranging and keeping the Records and Warrants of the Court, appear to have latterly received only a small Salary from the principal Collector of Fees, amounting to Ten Pounds yearly, or Thirty Pounds in all. This Allowance was plainly inadequate to an Office of so much Labour and Responsibility; but among the Eighteen Extractors, whose particular Employment and Emoluments depended upon their Connection and Influence among the Practitioners before the Court, the Office of a Deputy Collector, which necessarily brought them into frequent Contact with those Practitioners, was an Object of much Ambition; and the Labour and Responsibility which attended it, were remunerated, not by the nominal Salary, but by the indirect and consequential Advantages of the Situation.

By the late Act of Parliament this System has been wholly swept away: The Eighteen Extractors have been reduced in Number to Six; these remaining Six no longer derive their Income from the fluctuating Manufacture of Extracts, but are paid by fixed Salaries; and the Office of Deputy Collector, and Keeper of Records, with its Salary and contingent Emoluments, no longer exists. Each of these Six Extractors is bound, as a Part of his Duty, to arrange his own particular Records and Warrants, and at the End of Five Years (to which the Period of Transmission is now limited) to deliver them into His Majesty's General *Register House*: But among the Six no One is now bound as formerly, to receive and arrange into due Order the Records and Warrants of the other Officers, under the Operation of the existing Law; therefore, instead of Three Series of Records and of Warrants, there would be ultimately transmitted to the General Repository no less than Six separate Series, whereas upon obvious Principles of Expediency, those separate Series ought to be reduced into one.

In order to meet this Difficulty, some temporary Expedient appeared to be indispensably requisite; and with the Concurrence of the Clerks of Session, and the Approbation of the Lord President of the Court of Session, a large Apartment in the General Register House has been selected and fitted up for the Reception and Arrangement of the Judicial Records of the Court, and a Person of competent Skill has been employed to take charge of the Business, for whose Remuneration in the mean Time I have been requested to present an Application to His Majesty's Commissioners on the Public Records. This I trust may prove effectual for the temporary Purpose in view; but it is obviously necessary that some permanent Arrangement should be devised and carried into Effect. As the Salary of this new Officer must be drawn from the Fee Fund, the Aid of an Act of Parliament becomes necessary; and by ultimately connecting the Office with that of the Collector of the Fee Fund, which appears to be practicable and expedient, a considerable Economy of Salaries might be produced. Of the Patronage of the Office, I shall at present say nothing, but that it ought to be placed more or less directly under the Controul of the Court of Session: And with respect to its Duties, I conceive that besides arranging the Whole of the Records into one connected Series, the same Officer might be employed in framing Indexes to these Records upon a more extensive and useful Plan than has been hitherto attempted. If the other Measures already suggested, respecting the Originals of Processes, shall be adopted, some Addition will of course be made to the Labour of arranging those Originals, and preparing them for their final Depositation in His Majesty's General Register House.

Appendix, (W. 9.)

Fifth Annual Report of Deputy Clerk Register, 1811.

II.—LOCAL REGISTRIES.

I. On the State of the Repositories for the Local Records of Counties and of Burghs, I have not been enabled to make any farther Statement in addition to what was given in my last Annual Report. The Evils there alluded to still remain unabated; and the Necessity of legislative Interference becomes every Year more apparent and imperious. In the Report of the Committee of the Lords of Council and Session appointed to consider the Fourth Annual Report, I have the Satisfaction of finding that the Committee have concurred very decidedly in approving of the Suggestions in that Report as to procuring suitable Accommodations for the County Records, as well as other Buildings and Establishments connected with the Courts of Civil and Criminal Jurisdiction; and it is earnestly to be hoped, that the Weight of this Opinion, as well as of that which has been already given oftener than once by His Majesty's Commissioners on the Public Records, will speedily lead to the Adoption of an adequate Remedy for Evils of such acknowledged Magnitude.

II. With respect to the Formation of the various Registers in the County and Burgh Courts, according to the Regulations of the late Statute, I have the Satisfaction of reporting to your Lordship, that their Progress appears to be comparatively more advanced than in the former Year. The Reports presented by the Sheriffs of the several Counties are not indeed quite complete, owing I am persuaded to accidental Causes unconnected with any particular Deficiency in the Records of those Counties. In the Returns from the Royal Burghs a still greater Deficiency will be observed, yet, I have Reason to believe that in most of those Burghs to which the new Registers have been issued, the several Records are in a regular Train of Progress. In consequence of the defective Returns of the former Year, from the Royal Burghs as well as from some of the Counties, I resolved to avail myself of an Opportunity for obtaining more exact Information from the Reports of the Inspector of Stamps, Part of whose official Duty it is to examine the Registers of Deeds and Instruments in every County and Burgh, for the Purpose of checking the Frauds and Evasions that are practised against the Stamp Laws. This Officer makes his Tour of the whole of Scotland in Two Years; during the last Summer, he visited all the Record Offices in the Northern Half of the Kingdom, and in pursuance of my particular Instructions, he has communicated to me a Report of the Progress that had been made in the Formation of their respective Records. From the Tables exhibiting the progressive State of the County and Burgh Registers for the Year 1811, your Lordship will discover to what Extent I have been thus enabled to supply the Deficiency of the regular official Reports of the Sheriffs and Chief Magistrates of Burghs. In the Transmission of these official Reports, I trust that greater Regularity will be gradually established, at the same Time I shall not hesitate again to avail myself of the same Means of additional Information as to the Southern District of Scotland, which the next annual Tour of the Officer above alluded to may place within my Reach.

III. The progressive Advancement of the several local Registries may be received as the Evidence of a most substantial Improvement upon the State of these Records, as they existed prior to the Statute "for better regulating the Public Records of Scotland." But in order to secure the proper Formation of these Records, particularly in the several Counties, some further Regulations appear to have become necessary for enabling the Keepers of those Records to execute in the best Manner a certain Average Quantity of Writing on each Page of their Registers as has been lately done in the Register of Deeds and Protests in the Court of Session, in the Registers of Seisins, and in the Register of Hornings and Inhibitions. In my last Report, I expressed my Apprehension that no effectual Regulation in this Respect could be introduced into the County Registries without some corresponding Addition to the present Fees of Registration. On this Subject the Claim of the Sheriff Clerks appear to me with all Deference to be entitled to the immediate Consideration of the Legislature; and from certain Statements printed in the annexed Appendix, the Grounds of those Claims will be found more fully detailed than could here with Propriety be attempted. In general I am humbly of Opinion that by an Act of Parliament similar to that under which the Fees and Emoluments of the Sheriff Clerks were regulated in 1748, Authority should now be given to the Court of Session to enquire into the State of the Records of the Sheriff Courts, and to fix such a new Table of Rates as may be suitable to the present Circumstances and Duties of those Officers. I have had Occasion formerly to observe that, to the Execution of any Measure of this Sort Two formidable Obstacles had always been opposed; the one that many of the Sheriff Clerks themselves had been in Fault in so far as regarded the Formation of regular Registers; the other that their Offices being saleable, any Augmentation of Fees was conceived as likely to operate in the End merely to the Advantage of the Individual in whom the Right of Sale might happen to be vested. Under the salutary Operation of the late Statute, the first of these Difficulties now appears to be almost entirely obviated; the Removal of the Second is a Matter of such obvious public Expediency that it can only be Matter of Surprise and Regret, that a Practice so mischievous and absurd, should have been suffered so long to prevail.

THO. THOMSON,
Deputy Clerk Register.

Papers referred to in the Deputy Clerk Register's Fifth Report.

(No. 1.) *Establishment of His Majesty's General Register House.*—1792*.

I. MEMORIAL for Lord Frederick Campbell, Lord Clerk Register of Scotland.

To the Lords Commissioners of His Majesty's Treasury.

THE Public Records are, by the Laws of Scotland, so essential to the Security of Property, that, for Two Centuries before the Union, they were the constant Object of Attention in Parliament, as may be seen from the great Number of Acts that were passed for regulating and securing them, from the Year 1503 to the Year 1707.

These Records were originally kept in the Castle of Edinburgh, but that Situation having been found inconvenient, they were, by Act of Parliament 1662, removed to Two Rooms, fitted up for them, under the Inner Session House, where they remained till the Time of the Union, with Safety, and tolerable Convenience.

From that Period, the growing Prosperity of the Country, the frequent Transfers of Landed Property, the Increase of the Public Revenue, and the Accounts and Vouchers connected with it, soon multiplied the Public Records to such a Degree, that the Two Rooms allotted for their Reception, could not contain them. The Records of the daily Proceedings of the Court of Session, Justiciary, and Exchequer Courts, and the valuable Papers that are produced in the Course of these Proceedings, for Want of proper Accommodation, were obliged to be kept in various Apartments, in distant Parts of the Town, where they were not only exposed to the Danger of Fire and other Accidents, but from Want of Space, and from their dispersed Situation, they became so confused that it was impossible for those intrusted with the Charge of them, to comply with the Orders and Regulations of the different Acts of Parliament, for making them at all Times accessible to those who had Occasion to consult them.

To remedy these Inconveniences, a Building has been erected by the Bounty of His Majesty and the Public, as a Repository for the Records of the Court of Session, Justiciary, and Exchequer Courts, and for the general Records of the Kingdom, which are now collected from the damp and dispersed Rooms, in which they were formerly lodged, and are placed in this Public Repository, where they are safe and accessible to the Public, and a sufficient Space is still left to receive those of some Centuries to come.

The Trustees, under whose Care this Building was erected, have received, at different Times, from His Majesty and the Public, the Sum of £20,000, which with the growing Interest thereon, amounting upon the Whole to £36,200, they have wholly expended in purchasing Ground, completing the Building, making good the several Areas, Avenues, and Streets, and in removing all the Records from the several Places where they were formerly kept.

But still several Articles are wanting to complete and make this Repository more commodious, such as Presses, Desks, Shelves, and Furniture of different Kinds,—a large Cupola Clock and Bell, Water to be conveyed in Pipes to the different Parts of the Building, &c. Some small Offices are also necessary to accommodate the Soldiers allotted to guard the Building, the Servants who are to attend to it, and to supply the various other Purposes, which must become necessary to a Building in which so many Persons are daily carrying on Business. The Expence of these Articles, upon the best Calculation that can be made, will amount to the Sum of £1,000.

In order to maintain and keep in Repair this useful and extensive Building, the principal Object of which is to preserve the Records of the Court of Session, Justiciary, and Exchequer, and to accommodate the Clerks and Officers of these Courts, with proper Apartments for carrying on the Business of the Public, with Convenience and Security, there will likewise be wanting an annual Establishment, amounting in the Whole to a Sum not exceeding £500, and consisting of the following Articles:

1. To the Two Deputy Keepers of the Records, who at present only receive the ancient small Fees, upon Searches made, and which, are in no Degree equal to the increased Labour of attending to, and disposing of, in distinct Order, such a Multiplicity of Records - - - £100 — —
2. To the keeping in Repair the Roof and Body of the Building, extending 200 Feet in Front, and 90 Feet in Diameter; to preserving all Pavements, Drains, Leaden Pipes, Windows, Lamps, Iron Rails, &c. in good Order; to painting the various Parts of the Building, both within and without, when necessary; and to make good the numberless Damages, which are unavoidable, to so extensive a Building, and its Appurtenances - - - - - £200 — —

£300 — —

* The following Papers have been copied from the Records of Exchequer.

Brought over	£300 — —
3. To the Expence of lighting a great Number of Lamps in the surrounding Areas and Avenues of the Building; to providing Coals for the several Stoves below and above; to supplying Coals and Candles for the Use of the adjoining Guard Room, Porters, and Servants - -	£100 — —
4. To a Surveyor or Overseer, whose Business it must be, from Time to Time, carefully to inspect the Building and its Appurtenances, and to report to the Lord Register, or his Deputies, whatever shall appear to him necessary to keep the same in complete Repair, to receive his or their Orders upon this Report, and afterwards to see the Work executed in the best manner -	£ 50 — —
5. To Porters and Servants to attend to opening and shutting the Doors, keeping the Inside of the Building clean, and the outer Areas free from Weeds - - - - -	£ 50 — —
	£500 — —

It being enacted by the 10th of Queen Anne, Cap. 26. Sec. 108. "That the Fees, Salaries, and other Charges "allowed or to be allowed by Her Majesty, Her Heirs or Successors, for keeping up the Court of Session, Justiciary, "and Exchequer Courts of Scotland, are and may be chargeable upon the said Customs and Excise (of Scotland), "preferable to all other Payments whatsoever, the Charge of Management excepted, but so as not anyways to "prevent any Application of the Excrescence out of the said Customs:"

Your Memorialist hopes, that the Expence of completing and keeping up this Building, which is the Place where Records of the Courts of Session, Justiciary, and Exchequer Courts, are kept, and where all their Clerks and other Officers carry on the Business of the said Courts, will be considered by your Lordships as chargeable upon the Customs and Excise of Scotland; and that you will allow your Memorialist, who, by his Office under several Acts of Parliament, has the Care and Superintendence of all the Records of Scotland, humbly to request your Lordships, that you will be pleased to apply to His Majesty for His Majesty's Warrant to the Barons of Exchequer in Scotland, to pay to the Memorialist, out of the Produce of the said Customs and Excise, the Sum of £1500. for the Purposes above mentioned; and that you will likewise be pleased to apply to His Majesty for His Majesty's Warrant to pay to the Memorialist, and his Successors in Office, the annual Sum of £500. to commence from Whitsunday last, or so much thereof as the Memorialist, and his Successors in Office, shall make appear, by proper Vouchers, to have been expended for the Purposes above mentioned, in an Account to be passed once in every Year, before the Barons of His Majesty's Court of Exchequer in Scotland.

II. LETTER to the BARONS of Exchequer in Scotland, relative to the preceding Memorial.

My Lords, Treasury Chambers, 1st July 1791.

Having laid before the Lords Commissioners of His Majesty's Treasury a Memorial for Lord Frederick Campbell, Lord Clerk Register of Scotland, stating, that several Articles are wanting to complete the Repository lately erected at Edinburgh, for keeping the Records of the several Courts of Scotland; and that the Expences thereof, upon the best Calculation that can be made, will amount to the Sum of £1,000. and that, in order to maintain and keep in Repair the Building, an annual Establishment will be wanting, amounting to £500 a Year, to consist of the Allowances mentioned in the said Memorial; and therefore praying, that a Warrant may issue for paying to the Memorialist the Sum of £1,500 for the above Purposes, and also a further Warrant to the Lord Clerk Register, for the Time being, for the annual Sum of £500. to commence from Whitsunday 1790, or so much thereof as the Memorialist, and his Successors in Office, shall make appear, by proper Vouchers, to have been expended for the Purposes therein mentioned, in an Account to be passed once in every Year before you: I am commanded by their Lordships to transmit the said Memorial to you, and to direct you to consider the same, and report to my Lords your Opinion thereon.

I am, My Lords,
Your Lordships'
Most obedient humble Servant,
George Rose.

III. REPORT, by the Barons of Exchequer, on the preceding Memorial.

To the Right Honourable the Lords Commissioners of His Majesty's Treasury.

May it please your Lordships,

In Obedience to your Lordships Directions, communicated to us by Mr. Rose's Letter of the 1st Instant, we have considered the annexed Memorial for the Lord Clerk Register of Scotland, and humbly report:

That, in consequence of a Requisition from us, an Account of the Particulars mentioned in the Memorial, as wanting to complete the Register Offices, has been laid before us, containing an Estimate of the Expence of executing

executing the sundry Articles, amounting in all to £1,525. 8s. 2d. Upon Examination of which, we are of Opinion, that all the Articles are necessary for the Purposes specified, and that the Prices are charged at the usual Rates.

Concerning the Particulars of the proposed Annual Establishment, the first, being the Allowance to the Deputies of the Lord Register, is a very proper Charge; and, as far as we can judge of the other Articles, they appear to be as moderately estimated as is consistent with the proper Care and Support of so extensive and useful a Repository.

We think it proper to observe, that the Expence, which is the Subject of this Memorial, relates to the Completion and future Maintenance of the Fabric in general, and to the Accommodations in the public Apartments of the Lord Register and his Deputies, and is separate and distinct from the Expence that was the Subject of our Application to your Lordships, in our Letter of 3d February last, which referred only to the Arrangement of the Records of our own Courts, under the Charge of our Officers, and to the internal Accommodations necessary in the Chambers allotted for their Reception.

We have the Honour to be,
Your Lordships'
Most faithful humble Servants,

Ja. Montgomery.
Flr Norton.
Ar. Cockburn.

Exchequer Chambers, Edinburgh,
28th July 1791.

IV. WARRANT under the Privy Seal, granting £500. per Annum for the Support of the General Register House.—Jan. 12, 1792.

George the Third, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, and so forth. To the Commissioners of Our Treasury now being, and to Our High Treasurer or Commissioners of Our Treasury for the Time being, and to the Chief Baron, and the rest of the Barons of Our Court of Exchequer, in that Part of Our Kingdom of Great Britain called Scotland, now and for the Time being, and to all others to whom these Presents shall come or may appertain, Greeting: Whereas the said Lords Commissioners of Our Treasury have laid before us a Memorial, presented to them by Our trusty and well-beloved Frederick Campbell, commonly called Lord Frederick Campbell, Our Clerk Register for Scotland, with a Report from Our said Barons of Exchequer thereupon, dated the Twenty-eighth Day of July last, stating, that a Building had been erected by Our Bounty and that of the Public, as a Repository for the Records of the Courts of Session, Justiciary, and Exchequer in Scotland, and for the General Records of that Kingdom; and that, in order to maintain and keep in Repair that useful and extensive Building, there will be wanting a permanent annual Allowance or Establishment. And we being graciously disposed to testify Our Royal Favour to that Our ancient Kingdom; and it appearing to Us just and reasonable, that a permanent Establishment should be appointed for the Support and Preservation of a Fabric of so much public Utility, and that the same should be charged upon the Fund after mentioned: Our Will and Pleasure is, and We do hereby direct, authorize, and command you, or such of you to whom it may appertain, to issue and pay, or cause to be issued and paid, out of any Our Revenues of Customs and Excise in Scotland, applicable to the Payment of the Fees and Salaries, and other Charges, for keeping up the Courts of Session, Justiciary, and Exchequer there, unto the said Frederick Campbell, commonly called Lord Frederick Campbell, and to his Successors in Office, Our Clerk Register in Scotland for the Time being, the Sum of Five hundred Pounds yearly, to be by the said Frederick, commonly called Lord Frederick Campbell, and his said Successors in Office for the Time being, applied in Payment of the Sum of One hundred Pounds annually, by the Quarterly Payments after mentioned, to the Deputy Keeper or Keepers of the Records named by the said Clerk Register, and of the Sum of Fifty Pounds annually, by the like Quarterly Payments to a Surveyor or Overseer, to be employed by the said Clerk Register for the Time being, for inspecting the Building and its Appurtenances, reporting the State thereof, from Time to Time, to the Clerk Register, or his Deputies, and superintending the necessary Repairs or other Works to be made and executed upon, in, or about the Building, and the Sum of Fifty Pounds annually, by the like Quarterly Payments, to Porters and Servants to be employed by the said Clerk Register for the Time being, for the Purpose of opening and shutting the Doors, keeping the Inside of the Building clean, and the Areas round the Building free from Weeds, and otherwise clean, and in good Order; and of the Sum of Two hundred Pounds, or whatever Part of that Sum may be necessary annually for keeping in Repair the Roof and Body of the Building, preserving all Pavements, Drains, Leaden Pipes, Windows, Lamps, Iron Rails, &c. in good Order, painting the various Parts of the Building, both within and without, when necessary, and making good the incidental Damages of every Kind occurring to the Building, and its Appurtenances; and of the Sum of One hundred Pounds, or whatever Part of that Sum may be annually needful to defray the Expence of Lamps in the surrounding Areas and Avenues of the Building, providing Coals for the several Stoves below and above, supplying Coal and Candles for the Use of the adjoining Guard

Room, Porters, and Servants. And the Payment of which annual Sum of Five hundred Pounds, to be applied as aforesaid, is to commence from the Term of Whitsunday last, One thousand seven hundred and ninety-one Years, and from thenceforth to be paid to the said Frederick, commonly called Lord Frederick Campbell, and his Successors in Office, quarterly, at the Four most usual Quarter Days of Payment in the Year, by equal Portions: And We do hereby authorize and command you, or such of you to whom it may appertain, to cause the said annual Sum of Five hundred Pounds, and all Payments to be made thereupon, as they shall, from Time to Time, become due and payable, to be inserted in the Quarterly Establishments for the Civil Affairs in Scotland, so as the Sums to be inserted therein, may be allowed and paid, from Time to Time, in like Manner as other Salaries and Allowances on the said Establishment are paid: But it is hereby expressly provided and declared, that the said Frederick, commonly called Lord Frederick Campbell, and his Successors in Office, Our Clerk Register for the Time, shall be obliged annually to exhibit before you, Our Barons of Our said Court of Exchequer in Scotland, an Account, properly vouched, of the Application of the Sums hereby appointed to be paid to them; and whatever Balance of the said Sums may at any Time appear at the Foot of the said Account as unexpended, the same shall be charged upon the Clerk Register for the Time being, in his next Year's Account, applicable to the Purposes of this Grant as future Contingencies may require: And for your doing whereof, these Presents shall be a sufficient Warrant. Given at Our Court at St. James's, and under Our Privy Seal of Scotland, at Edinburgh, the Twelfth Day of January One thousand seven hundred and ninety-two Years, in the Thirty-second Year of Our Reign.

Per Signaturam manu S. D. N. Regis suprascript. manibusque quorundam Dominorum Commissionariorum Thesaurarii Magnæ Britanniæ, Necnon manibus quorundam Dominorum Baronum Scacarii Scotiæ subscript.

V. WARRANT, under the Privy Seal, granting a Sum for defraying certain extraordinary Expences in fitting up the General Register House.—Jan. 11. 1792.

GEORGE the Third, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, and so forth. To the Commissioners of Our Treasury now being, and to Our High Treasurer or Commissioners of Our Treasury for the Time being, and to the Chief Baron, and the rest of the Barons of Our Court of Exchequer in that Part of Our Kingdom of Great Britain called Scotland, now and for the Time being, and to all others to whom these Presents shall come or may appertain, Greeting: Whereas, by a Report of Our said Barons of Exchequer in Scotland, upon a Memorial from Our trusty and well-beloved Frederick, commonly called Lord Frederick Campbell, Our Clerk Register for Scotland, presented to the said Lords Commissioners of Our Treasury: It is made known to Us, that the Sum of One thousand five hundred and twenty-five Pounds Eight Shillings and Two-pence, would be necessary for defraying the Expence of sundry Articles wanting to the completing and fitting up the Repository that has been erected in Scotland, for keeping the Records of the Courts of Session, Justiciary, and Exchequer, and other Public Records of that Kingdom, and for the Accommodation of Our said Clerk Register, and his Deputies therein. And We being graciously pleased, that the said Sum should be granted out of the Fund after mentioned: Our Will and Pleasure is, and We do hereby direct, authorize, and command you, or such of you to whom it may appertain, to issue and pay, or cause to be issued and paid, out of any Our Revenues of Customs and Excise in Scotland, applicable to keeping up the Courts of Session, Justiciary, and Exchequer there, unto the said Frederick Campbell, commonly called Lord Frederick Campbell, Our Clerk Register in Scotland, without Account, the foresaid Sum of One thousand five hundred and twenty-five Pounds Eight Shillings and Two-pence, to be by him applied towards defraying the Expence of completing and fitting up the foresaid Repository for the Records in Scotland, in the Manner specified in his Memorial aforesaid: For your doing of which, these Presents shall be to you a sufficient Warrant. Given at Our Court at St. James's, and under Our Privy Seal of Scotland at Edinburgh, the Eleventh Day of January, One thousand seven hundred and ninety-two Years, in the Thirty-second Year of Our Reign.

Per Signaturam manu S. D. N. Regis suprascript. manibusque quorundam Dominorum Commissionariorum Thesaurarii Magnæ Britanniæ, Necnon manibus quorundam Dominorum Baronum Scacarii Scotiæ subscript.

(No. 2.) *Records of Justiciary.*

LETTER from the Right Honourable the Lord Justice Clerk to the Secretary of the Commissioners on Public Records.

Sir, Edinburgh, 2d February 1808.

I am favoured with your Letter of the 22d, inclosing a Copy of a Minute of the Board of Commissioners on the Public Records, of the 21st July last, and requesting my Answer thereto, on or before the 10th Current.

Having

Having fully and frequently communicated with Mr. Thomson, the Deputy Clerk Register, on the Subject referred to in the above Minute, I was not aware that any further Answer was expected from me; as I stated to him, that, after consulting with my Brethren, I had nothing to add to what he has stated in his Report, p. 9, 10, and to what I formerly stated to him, both verbally, and in the Letter, which he there quotes.

There can be no Doubt of the Utility of the Measure he proposes in regard to the Circuit Records; and the Honourable Commissioners have only to signify to me their Orders on the Subject, and whatever they determine, shall be immediately put into a Train for Execution. But the Honourable Board themselves can alone determine to what Extent they choose that Mr. Thomson's Proposal shall be executed.

To make up a complete Record of the Circuit Proceedings, from the earliest Times to the present Day, certainly will be a Work of much Labour and Time, and of great Expence, of which it is quite impossible to form any previous Estimate. But its Utility is obvious; and if the Board order it, there can be no Difficulty in accomplishing it, providing that the necessary Expence is defrayed. This should be done by an annual Allowance, with which, if the Board are pleased to entrust me, I shall see it properly and economically applied, in such a Manner as Mr. Thomson and I shall judge best for accomplishing the Object in View. The Board must judge of the Amount of the annual Allowance; Two or Three Hundred Pounds a Year would go a great Way, probably as far as Mr. Thomson or I could properly superintend.

If the Board do not choose to be at that Expence, then the other Measure recommended by Mr. Thomson, of having the Old Minute Books of the Circuit Proceedings, with the relative Papers, bound up into proper Volumes, will be highly proper and absolutely necessary to preserve them, till the greater Work can be accomplished.

If the Board, at present, shall content themselves with ordering, that the Circuit Proceedings in Time to come shall be formed into a proper Record, like the Books of Adjournal of the High Court, I shall immediately give the necessary Orders, and endeavour to furnish the Board with an Estimate of the Expence, which I apprehend must be defrayed by the Public.

Perhaps originally it was a Fault in the Justice Clerks and their Deputies, that the Circuit Records were not made up as the Books of Adjournal; but as that never has been customary, the Salaries of the different Clerks have not been fixed with a View to that Expence, and therefore there would be evident Hardship and Injustice in obliging them to perform this new Duty on their present Salaries. But the Expence, as Mr. Thomson observes, must be a mere Trifle annually.

As to the Books of Adjournal, it certainly is a Defect, that they are not in any Shape authenticated, either by the Signature of the Justice Clerk, or of any of his Deputies; and I think some Provision should be made for this.

In regard to the Current Books, there can be no Difficulty in requiring, either that every Page, or every Tenth Page, with a Docquet at the End, mentioning the Number of Pages in the Volume, shall be signed either by the Justice Clerk or one of his Deputies. To authenticate the former Books in the same Manner, will be more troublesome and tedious, but it can easily be done, and should be done.

It would be also extremely proper, as suggested by Mr. Thomson, that the Justice Clerk and Deputy Clerk Register should be required to inspect the Books of Adjournal, at least once a Year, and make up a joint Report as to the Accuracy of them, and the Period to which they are brought up, to be laid before the Honourable Board.

I think this exhausts every Thing to which the Minute of the 21st July refers; and I beg the Honourable Board to be assured, that I should have made this Communication long ago, if I had been aware that it was expected of me, after the Conversations I have had with Mr. Thomson.

C. Hope,
Lord Justice Clerk.

(No. 3.) *Documents relative to the Custody of the Records of the Privy Council, subsequent to the Union* 1707.

1. EXTRACT from the Books of Sederunt of the Lords of Council and Session.—(Book X. fol. 203.)

Sederunt vigesimo septimo, Junii 1717.

Norberik Preses, Arnestoun, Fountainhall, Pollock, Ormistoun clericus justiciarii Minto, Forglen, Grange, Cullen, Dun, Poltoun, Pankaitlain, Coupar, et Kimmergeme.

THE Lord Kimmergeme having represented to the Lords that several of the Records of Privy Counsell with the warrands were in the hands of John Richy writer late servant to Sir James Forbes some time Clerk of Privy Counsell The Lords remitted to the Lords Justice Clerk, Minto, Poltoun, Pankaitlain, and Kimmergene, or any three of them to call for the said John Richy and examin into the condition of the said Records and werands in his custody and also to inquir after any other publick records or warrands thereof which may be in any other private hands and to Report.

APPENDIX, (W. 9.)

Fifth Annual Report of Deputy Clerk Register, 1811.

2. MINUTE of Proceedings of the above mentioned Committee of the Lords of Council and Session—(without Date.)

Sederunt in the Laigh Parliament House Lord Justice Clerk, Poltoun, Pancaitland, and Kinmerghem.

THE Lords ordain John Ritchie against Wednesday nixt to make up inventars of the haill warrands Records and other writs belonging to the Privy Council in his Custody which he may be ready to depone upon in order to his Exoneration and appoint him to give in ane account of what he can clame for his Chargis and pains in keeping these records since the Council was Dissolved.

3. WARRANT for Delivery of the Records of the Privy Council of Scotland, August 20. 1744.—(From the Warrant Book in the Secretary of State's Office, London.)

GEORGE R.

WE do hereby authorize and require you to deliver, or cause to be delivered, unto our Right Trusty and entirely beloved Cousin and Counsellor, John Marquis of Tweeddale, One of Our Principal Secretaries of State, and Keeper of Our Signet in Scotland, or to any having Authority from him, the Records of the Privy Council of Scotland, with all Things whatsoever thereunto belonging; for doing whereof this shall be your Warrant. Given at Our Court at Kensington, the Twentieth Day of August 1744, in the Eighteenth Year of Our Reign.

By His Majesty's Command,

Carteret.

To Mr. Robert Pringle, Advocate, and the Representatives of Mr. Thomas Pringle, late Deputy Keeper of the Signet at Edinburgh, and others in whose Hands the said Records shall be found.

4. WARRANT for Delivery of the Records of the Privy Council of Scotland, May 7, 1746, and Proceedings of the Court of Justiciary thereon.—(Extracted from the Books of Adjournal.)

May 30, 1746.

The said Day, the Lord Justice Clerk produced in Court a Warrand by His Majestie, whereof the Tenor follows, superscribed thus:

GEORGE R.

WHEREAS by Our Warrand, bearing Date the Twentieth of August, in the Year of Our Lord One thousand seven hundred and forty-four, We did direct, that the Records of the Privy Council of Scotland, with all Things whatever thereunto belonging, should be delivered to Our Right Trusty and intirely Beloved Cousine and Councellor John Marquis of Tweedale, or to any having Authority from him to receive the same; and the said Marquis of Tweedale having authorized you Mr. Thomas Hay, Advocate, to receive the said Records, Our Will and Pleasure is, that you do furthwith deliver all the said Papers and Records to Our Right Trusty and right intirely well-beloved Cousine and Councellor Archibald Duke of Argyle, Our Justice General, Our Trusty and well-beloved Andrew Fletcher of Milton, Esquire, Our Justice Clerk, and the rest of Our Lords of Justiciary, To remain in Our Court of Justiciary, and for so doing this shall be your Warrand. Given at Our Court at St. James's the Seventh Day of May 1746, in the Nineteenth Year of Our Reign.

By His Majesty's Command,

Holles Newcastle.

To Mr. Thomas Hay, Advocate, Deputy Keeper of the Signet for Scotland.

The Lord Justice Clerk and Commissioners of Justiciary having taken the said Warrand under Consideration, they ordained the Clerk of Court to give Notice thereof to the said Mr. Thomas Hay, Advocate, and to require and receive from him upon Inventary, the Papers, Records, and other Things thereto belonging, mentioned in the said Warrand; and on receiving thereof, to deliver up to the said Mr. Thomas Hay the principall Warrand with his Receipt for the said Papers and Records; and thereafter to lodge the said Papers, Records, and other Things with the other Records of this Court; and they ordained the Clerk to report this Dilligence herein against next Court Day.

And. Fletcher, J. P. D.

July 4, 1748.

The said Day, in consequence of an Order of Court, dated the Day of June One thousand seven hundred and fourty-six, proceeding upon a Warrand from His Majesty, of Date the Seventh Day of May said Year, directing the Records of Privy Council, formerly lodged in the Hands of Mr. Thomas Hay, Advocate, to be delivered to the Lords Justice General, Justice Clerk, and Commissioners of Justiciary, to remain in His Majesty's Court of Justiciary; the Clerk of Court reported, that in Obedience to the said Order of Court he had waited upon Mr. Hay, in order to require and receive from him the Papers and Records of the said Privy Council, and other Things thereto belonging; and produced a Report signed by the said Mr. Thomas Hay, of the Tenor following, viz.

REPORT

10th June 1746.

REPORT by Mr. Thomas Hay, in relation to the Records of Privy Council, in his Custody, to the Right Honourable the Lords Justice Clerk, and Commissioners of Justiciary.

Mr. Hay has seen a Warrand and Order from His Majesty, and an Order from the said Lords, empowering the Clerk of Court to require and receive from him the Papers and Records of the Privy Council, and other Things thereto belonging, and is most willing to comply therewith; but as the Order of Court appoints this to be done upon Inventary, he must inform their Lordships, that all of the said Papers, Records, and other Things he has relating to the Privy Council, consist of some Books, all in Folio, and of a large Press, containing some Acts and Warrands of Decreets and Orders of the said Privy Council: That the said Books he received on Inventary from the Person in whose Custody they happened to be lying, some on Receipt, as containing Acts and Warrands, and other Papers relative to the Privy Council, without any Inventary, and that *per aversionem*, and which Press has ever since lyen by him without his having Occasion to look into the same.

It is therefore hoped the Lords will authorize and appoint their Clerk to receive from him the whole Books upon Inventary and Receipt, and the foresaid Press by Receipt only, as containing in general Papers relating to the Privy Council, being the Way, in consequence of a Royal Warrand some Years ago, he came to be possest of the Books and Press aforesaid himself. *Tho. Hay.*

And upon the Back of this Report, there is a Declaration or Certificate, signed by Mr. Robert Pringle, Advocate, of the following Tenor:

Edinburgh, 21st June 1748. I Mr. Robert Pringle, Advocate, in whose Custody the Records, &c. of the Privy Council, mentioned in the within Report were, before the same were delivered to Mr. Thomas Hay, in consequence of His Majesty's Royal Sign Manual within mentioned, Hereby Certify, that the Books were delivered over to Mr. Thomas Hay, conform to Inventary, which I have marked of this Date; and that the Press, containing the Acts and Warrands of the Privy Council, was delivered only *per aversionem* to Mr. Hay, without Inventary, falling into his Hands by his Father's Death, and I having neither found nor caused make an Inventary thereof. *Ro. Pringle.*

The Lords Commissioners of Justiciary having considered the former Warrand, with the above Report by Mr. Thomas Hay, Advocate, and Certificate on the Back thereof by Mr. Robert Pringle, Advocate, produced and recorded as above, they granted Warrand to, and empowered the Clerk of Court to receive from the said Mr. Thomas Hay the whole Books and Records of the Privy Council in his Custody, upon Inventary and Receipt, and the foresaid Press, as containing some Acts and Warrands of Decreets and Orders of Privy Council, *per aversionem* upon Receipt only; and thereafter ordained the said Mr. Thomas Hay to make Oath before their Lordships, of his having faithfully delivered up the Whole, and, to his Knowledge, that none of the said Books or Papers in the foresaid Press have been abstracted since they came into his Custody. *Ch. Areskine, J. P. D.*

July 30, 1748.

The said Day, in obedience to an Order of Court, of date the Fourth instant, compeared Mr. Thomas Hay, Advocate, and being solemnly sworn, examined, and interrogate, Deponed, that he had delivered up the Whole Books or Records of the Privy Council in his Custody by Inventary and Receipt, and the Press mentioned in the said Order, containing some old Papers relating to the Privy Council *per aversionem*, on Receipt only, to John Davidson Principal Clerk of Justiciary; and depones that, to his Knowledge, none of the said Books or Papers that were in the foresaid Press have been abstracted since they came into his Custody; and this is the truth, as he shall answer to God. *Tho. Hay.*

Ch. Areskine, J. P. D.

5. ORDER for the Delivery of the Records of the Privy Council of Scotland into His Majesty's General Register House.—1811.

Edinburgh, November 12, 1811.

In the Report from the Select Committee of the House of Commons appointed to inquire into the State of the Public Records of the Kingdom, in the Year 1800, it was recommended, among other Measures relative to the Public Records of Scotland, that the Records of the Privy Council deposited in the Justiciary Office should be transferred to the General Repository in His Majesty's General Register House.

In pursuance of an Order of the Right Honourable the Commissioners appointed by His Majesty for executing the Measures recommended by the House of Commons respecting the Public Records of the Kingdom, you are hereby authorized and directed forthwith to deliver into the General Repository in His Majesty's General Register House, the several Books and Registers, as also all the original Warrants and Papers of the Privy Council of Scotland, now in your Custody, together with a general Inventory of the said Books and Registers; for which a Receipt by the Deputy Clerk Register, or the Deputy Keepers of Records annexed to this Order, shall be to you a sufficient Discharge.

I have the Honour to be, &c.

Tho. Thomson,
Sub-commissioner of Records for Scotland.

To the Clerk of the High Court of Justiciary, or his Deputies.

6. RECEIPT

APPENDIX, (W. 9.)

Fifth Annual Report of Deputy Clerk Register, 1811.

6. RECEIPT granted by the Deputy Clerk Register for Delivery of the Records of the Privy Council into His Majesty's General Register House.—1811.

General Register House,
Edinburgh, November 1811.

I do hereby acknowledge, that in Terms of the preceding Order, Thomas Smith Esq. Depute Clerk of the High Court of Justiciary, has delivered into His Majesty's General Register House the Books or Registers of the Privy Council of Scotland, according to a general Inventory signed by me as relative hereto, together with a Collection of Papers contained in an old Press, which are supposed to be the Whole of the Warrants and original Proceedings of the Privy Council preserved in the Justiciary Office; and the said Books and Papers have now been deposited by me among the other Public Records of the Kingdom.

Tho. Thomſon,
Deputy Clerk Register.

(W. 10.)

Act of Sederunt concerning the Fifth Annual Report of the Deputy Clerk Register.

Mr. Thomas Thomson, Advocate, in Terms of his Commission of Deputy Clerk Regiſter, presented to the Lords the Fifth Annual Report of his Proceedings in that Office; and the Lord President, the Lord Justice Clerk, and the Lords Meadowbank and Robertson, were appointed a Committee, (whereof the Lord President, Convener), to take the ſame into their Consideration, and report their Opinion thereon to the Court.

APPENDIX, (W. 10.)

Report of Lords of Session, 1812.

Report of the Committee of the Lords of Council and Session, appointed to consider the Fifth Annual Report of the Deputy Clerk Register.

THE Committee appointed to consider the Fifth Annual Report of the Deputy Clerk Register, and state to the Court their Opinion on it, and the Matters treated of in it, have examined it accordingly; and bestowed on the various Subjects, which it embraces, as much Attention and Deliberation as the Preſſure of Public Business at this Season permitted. And although the Committee have it not as yet in their Power to offer a matured and digested Opinion on the most important of those Subjects, they conceive it may, nevertheleſs, be of Advantage to ſubmit in general what has occurred to them, in the Hope of attracting the greater Attention of your Lordships to it during the ensuing Vacation, in the Course of which the Committee propose, with the Leave of the Court, to reſume their Deliberations.

The Suggestions in the Report, as to the pecuniary Support requisite for the Register House, appear to the Committee equally prudent and moderate; and the only Remark which has occurred on this Subject, is that the Allowance proposed of £100. per annum for Servants to keep the Register Houſe clean and decent, seems extremely narrow. It is thought that at least £50. should be added to this Sum. In contemplating this Matter the Committee was much struck with the Liberality with which the Commission on the Public Records defrays the extraordinary Expenditure requisite to put the Remains of our national Muniments into a Condition, which not only promises Preservation for Ages, but affords them an Appearance and Situation suited to their Value, and is equally honourable to the good Taste which presides in the Management, and to the Country to which they belong. And it is with great Pleasure the Committee observes that this liberal Attention extends to the putting into a right Course of Preservation and Arrangement the whole System of our Records, and is always directed to those Quarters where Reformation and Improvement are most called for. It is obvious, that without the extraordinary Remedy of a well-conducted and persevering Interposition of this Nature, no System of correct Management, promising Perpetuity, could be effectually introduced; and nothing can be more gratifying to your Lordships than to learn, that the Measures taken for this Purpose have been dictated by such extensive Views, and such thorough Knowledge of the Details of the Business, as to promise in due Time to be followed every where with the most complete Success.

The new Arrangement and Distribution of Apartments, as to some of the Offices, have been inspected by the Committee, and appear to be unexceptionably proper.

The Changes in the Office of Registration in the Books of Session appear to require the Alterations suggested in the Superintendance of the Business, when proper Authority for it can be obtained; and the proposed Increase of Wages to the Writers of the Record seems indispensable, and the Means pointed out for the Purpose suitable and adequate.

The Measures taken for establiſhing an improved Method and Correctneſs in the System of County and Burgh Records also appear to be proper, and likely to attain a Perfection which will at last accomplish their Purpose. Indeed some Degree of Energy as well as Steadiness may be here called for; and most certainly, Perseverance in obtaining Information is indispensable. As to the requisite Accommodations, it is to be hoped the Counties will

be

be disposed to afford them, provided only a Law were obtained conferring on them the Authority necessary to render their Resolutions for that Purpose compulsory.

The new Situation of the Record of Processes is however the Subject which will attract in a particular Manner the Attention of the Court. Previous to the Act of the 50 Geo. III. the Emoluments of the Clerks of Session chiefly arose from their Power to compel Litigants to defray the Expence of extracting the Processes brought under the Cognizance of the Court: And One Consequence was, the regular Insertion in Manuscript Volumes of a clean Copy of the whole written Proceedings in Detail, of almost every Action since the Period of the Reformation. But as the Statute has relieved Litigants of this Obligation, and the Extract of the Process has been almost confined to an authentic Copy of the Judgement which forms the Warrant of Execution, the only Record of the Proceedings in the Register House at present, is the Proceedings themselves, in all their Variety of Form, Size, and Construction, made up into Bundles of separate Papers, after having been worn, and often rendered imperfect, by that Circulation, to which the present Course of Discussion exposes them. The Committee are of Opinion that Bundles of this Sort are little else than mere Rubbish and Lumber, or must soon become so; and that something ought to be done, and that speedily, to render Processes which have been decided capable of being preserved in some Measure compleat, and at the same Time accessible to the Court and the Lieges. For this Purpose, the Committee agree with the learned Reporter in being of Opinion, that a Uniformity in the Size of the Proceedings, so as to fit them for binding into Volumes, is an essential Requisite; and that in every Cause the Procedure, or what is entered by the Clerks of Court or done by the Judges, should be preserved apart, and a Paper altogether separate from the Pleadings, Proofs, or Documents of the Litigants should be employed for them. But though Measures for these Purposes were taken, still, unless some Means were adopted to form a Duplicate of the Record of Procedure, so that the Original should always remain in Court or in the Clerks Offices, and only an authentic Duplicate be liable to circulate among the Judges, Clerks, and Practitioners, there is obviously no absolute Security against Waste and Loss of the most important Parts of the Record. If this Security however were attained, and the Processes regularly bound up under the Direction of an attentive Person, it is thought, that the Register of Processes might be rendered by regular Indexes fully as accessible as it was previous to the Statute. The Establishment of an Officer as the Custodier, and Maker up of Processes for the Book Binder, as suggested by the Report, is obviously connected necessarily with any Measure of this Kind, and ought to constitute a Reward for experienced Fidelity and Diligence among the Clerks in inferior Departments.

The Committee conceive it is incumbent on the Court, to adopt some effectual Means for preserving to the Country the Advantages it has so long derived from a Record, which perhaps has contributed more than all other Causes put together, to that singularly rapid Improvement, which distinguishes the Progress of our Municipal Law, during the First Century subsequent to the Reformation. And the principal View of the Committee in proposing to resume its Deliberations on the Report is to consider at Leisure and in Detail that Variety of Circumstances, which must be provided for in any authoritative Measure that could afford a reasonable Promise of Success in such an Undertaking.

The Committee in the mean Time observe with Satisfaction the Steps taken to arrange the Processes into One Series, after they are delivered over by the Extractors; and feel indebted for that Exertion of public Spirit, which is employed in obtaining some Provision for the Person who has undertaken that Task.

The Committee have only to add, that they trust no Measure which Prudence can suggest will be omitted, for procuring Restoration to the Records of any of the missing Volumes which can be traced as still extant in any Quarter.

C. HOPE.
D. BOYLE.
ALLAN MACONOCHIE.
WM. ROBERTSON.

Act of Sederunt upon the Report of the Committee of Lords of Council and Session.

THE LORDS having heard the above Report, approve of the same, and ordain it to be entered in the Books of SEDERUNT; and of new appoint the Committee to take the Matters contained in the Deputy Clerk Register's Fifth Report into their further Consideration, and report their Opinion thereon to the Court. And THE LORDS direct the Deputy Clerk Register forthwith to transmit an Extract of the above Report of the Committee, and of the Proceedings of the Court thereon, to the Right Honourable His Majesty's Commissioners for the Preservation and Arrangement of the Public Records of the Kingdom, and to the Lord Clerk Register.

Appendix (X.)

Proceedings of the Honourable the Faculty of Advocates, respecting the Publication of the Acts of the Parliament of Scotland.

Appendix, (X.)

Proceedings of the Faculty of Advocates, 1809.

Edinburgh, February 11, 1809.

The DEAN Present.

THE Dean laid before the Faculty a Letter addressed to him by Thomas Thomson Esq. One of the Members of Faculty, and Deputy Clerk Register; which the Clerk read, and is of the following Tenor:

Sir, *Edinburgh, February* 6, 1809.

I am directed by the Lord Clerk Register to request, that, in your Capacity of Dean of the Faculty of Advocates, you will have the Goodness to call the Attention of that learned Body to a Plan now in Contemplation, of publishing a full and accurate Collection of the Acts of the Parliament of Scotland.

Of the Defects of all the former Editions, and the Utility of a more accurate and comprehensive Publication of the Scottish Statutes, the Faculty of Advocates appear to have been long aware; and its Members, both as a Body and as Individuals, have avowed a deep Interest in the successful Execution of such a Work.

In the Year 1772, the Curators of the Advocates Library presented to Lord Frederick Campbell, as Lord Clerk Register, a Memorial, of which I have now the Honour to enclose a Copy, in which the Defects of the printed Collections were very truly stated, and a Proposition was made of compiling, at least for the Use of the Faculty, a Sort of Supplementary Collection of the Scottish Statutes. But, in the Execution of this Plan, to which his Lordship very cordially gave the Consent that was requested, it does not appear that any further Steps were taken.

The Failure of this Attempt is the less to be regretted, as its Objects were a great deal too limited, and fell short very far of what has since been aimed at, and what is now likely to be accomplished.

About Twenty Years ago a Plan was formed by the Deputy Keepers of the Public Records, of printing a complete Edition of the Statutes, from the Reign of James I. to the Union in 1707; and of the Utility of such an Undertaking, and of its strong Claims to Public Encouragement, they received Assurances the most flattering and satisfactory.

In a Letter on this Subject, addressed by the late Lord Hailes to Sir Ilay Campbell, then Lord Advocate of Scotland, of which also I beg Leave to enclose a Copy, this projected Edition of the Scottish Statutes is strongly characterised as "a noble Plan," to the successful Execution of which that very learned and intelligent Person looked forward with the utmost Pleasure. It is scarcely necessary for me to say, that on the Utility and Propriety of such a Work, no Man of his Age was better qualified than Lord Hailes to judge and to pronounce with Confidence.

This Plan, which seemed to open under such favourable Auspices, was, however, delayed, if not altogether abandoned; and its Execution, in the Manner originally intended, was at length superseded by the still more extensive and noble Plan of printing the whole of the Parliamentary Records of Scotland, from the earliest Periods down to the Union in 1707. In the Report from the Select Committee of the House of Commons on the Public Records of the Kingdom (in 1800), it is stated, that "the present Lord Clerk Register has had this great Work in view for many Years, and some of the earliest Volumes have been, by his Order, prepared for the Press." Its Execution, accordingly, became one of the first Objects of Attention to the Commissioners soon afterwards appointed by His Majesty for carrying into Effect the Measures recommended by the House of Commons respecting the Public Records of the Kingdom.

Of

Of the various Causes which have retarded the Completion of this Design, it is not necessary here to enter into any Explanation. I rather haſten to ſtate, that, under the Authority of His Majeſty's Commiſſioners, a Compilation has been preparing, which is meant to embrace every Act and Proceeding of the Scottiſh Legiſlature, of which either the original Record or any genuine and authentic Copy yet remains. The Firſt Part of the Work, comprehending whatever can be recovered of the Parliamentary Records of Scotland prior to the Return of King James I. in 1424, is not yet ready for Publication; but the ſubſequent Part, commencing from the Era now mentioned, and for which the Materials are more abundant and acceſſible, has been put to the Preſs, and will now be carried on progreſſively, and as rapidly as the Nature of ſuch a Work admits. That Part of which I now ſpeak, it has been found adviſeable to divide into Two ſeparate Series; the Statutes, and all other Proceedings held in full Parliament, to form One of theſe; and the Judicial Proceedings in private Civil Cauſes, held by the Lord Auditors and other Committees of Parliament, to form the other Series. That an Idea may be given of the Method and Scale of the Work, I have the Honour of incloſing ſome of the printed Sheets of each Series; and in Explanation of theſe Specimens, it is only neceſſary to obſerve, that in a Work which is intended to perpetuate, as far as may be, the ancient and authentic Muniments of our Law, and of the Conſtitutional Hiſtory of the Kingdom, the moſt ſcrupulous and minute Fidelity to the Original Records, even in their Abbreviations and other Peculiarities of Writing, has been invariably aimed at. As nearly as modern Typography admits of ſuch an Attempt, it may be regarded as a Fac Simile of the Originals from which it has been taken.

From the Form of the Work, as well as from the Mode of Publication, it will readily be ſeen that it is not intended for daily and ordinary Uſe; and, in particular, that it is not calculated to ſuperſede a popular Edition of the Scottiſh Statutes on a more limited Scale. If, however, the Execution ſhall prove worthy of the Deſign, it muſt hereafter, next in Order and Rank to the Original Record, be reſorted to as an authentic and authoritative Publication of thoſe Statutes; and among other Purpoſes of a higher Kind, it will obviouſly furniſh the Means of facilitating an Edition of Statutes for ordinary Uſe, more complete and more correct than any of thoſe of which the Public are yet in Poſſeſſion.

It is chiefly with a View to the Preparation and Publication of ſuch a Work, that I have been directed to bring theſe Details under your Notice. It will readily occur, that in the Plan of the Work, in the Selection of thoſe Statutes which ought to be given at large, and in the Abridgement of thoſe which remain from that Selection, much Skill and Judgment may be required; and even the practical Details of Execution will demand no ordinary Degree of Diligence and Care. All of theſe are happily to be found in that learned Body which is moſt naturally and ſtrongly called upon to take a Concern in a Work of this Deſcription; and in now ſoliciting and expecting the Co-operation and Aſſiſtance of the Faculty of Advocates, I am perſuaded that the Lord Clerk Regiſter only anticipates what all its Members muſt feel the utmoſt Satisfaction in granting. I do not preſume to ſuggeſt what particular Courſe the Faculty ought to take for the Promotion of the Plan which I have had the Honour of ſubmitting to your Conſideration; and I have only to add, that I ſhall be happy to afford every further Explanation on the Subject of this Letter, which it may be in my Power to give.

I have the Honour to be, with the utmoſt Reſpect,
Sir,
Your very faithful and obedient Servant,
THO. THOMSON.

To Matthew Roſs, Eſquire,
Dean of the Faculty of Advoca

Papers relative to a new and complete Edition of the Scottiſh Acts of Parliament, referred to in the preceding Letter.

I. MEMORIAL of the CURATORS of the ADVOCATES LIBRARY, addreſſed to The Right Honourable LORD FREDERICK CAMPBELL, Lord Clerk Regiſter; with his Lordſhip's Anſwer thereto, Auguſt 13, 1772.

To the Right Honourable the Lord Clerk Regiſter for Scotland.

The MEMORIAL of the CURATORS of the ADVOCATES LIBRARY.

The Printed Collections of the Public Acts and Proceedings of the Parliament of Scotland are incomplete, and it is even ſaid they are not altogether correct.

The Printed Liſts of the Private Acts of Parliament are not only incomplete, but the Titles of theſe are ſo very general that they give no Information of the Contents, mentioning only the Name of the Perſon in whoſe Favour they are, without ſaying what is given or granted.

It

Appendix, (X.)

Proceedings of the Faculty of Advocates, 1809.

It appeared to the Memorialists that it was a Matter of Public Concern to have these Defects supplied, and for that End to submit the following Proposals to the Lord Register.

1. That a fair Copy be made of all the Public Acts and Proceedings of the Parliament of Scotland, which are not contained in the Printed Collections.

2. That a Comparison be made of the Printed Acts with the Record; and if there be any Errors, that the Corrections be marked on the Margin of a printed Copy.

3. That a List be made of all the Private Acts, specifying the Substance of the Contents, in the same Manner as the Contents of Acts of Parliament are now usually specified in the Titles thereof.

The Memorialists propose, that the above Copies and Lists be taken at the Expence of the Faculty; and the same, when complete, lodged in the Advocates Library, and all, or any Part thereof, printed by them as they shall think fit; and the Memorialists, before they engage in the Whole, in order to form some Idea of the Expence, mean to have a Specimen of a small Part.

These Things the Memorialists beg Leave to lay before the Lord Register, and humbly pray his Lordship to take them under his Consideration, and to make such Order, and give such Permission thereupon, as to his Lordship shall seem reasonable.

JOHN SWINTON.
RO. CULLEN.
JO. MACLAURIN.
ALEX. MURRAY.

Ardincaple, August 13, 1772.

It appears to me, that what has been desired by the Curators of the Advocates Library, is a Matter of great Public Utility; and therefore you are hereby authorized to comply with their Request, by giving Copies and Lists in the Terms proposed, but without authenticating the same by any Subscription.

FRED^K CAMPBELL.

To the Keepers of the General Records
in the Laigh Parliament House.

II. LETTER from the Honourable Sir David Dalrymple Lord Hailes to the Right Honourable Ilay Campbell, Lord Advocate of Scotland.

My Lord,

The Messrs. Robertsons of the Laigh Parliament House have a Plan of printing a correct Edition of our Acts of Parliament, from the Reign of James I. and of adding the unprinted Acts as they appear in the Record.

It is a noble Plan, and it gives me great Pleasure to find that there are Men willing to undertake that Work, and capable, as the Messrs. Robertsons are, of executing it.

They cannot, with any Propriety, undertake such a Work without the Approbation and Authority of the Lord Register: they are anxious to have your Lordship's Countenance in applying to the Lord Register; and I presume, on this Occasion, to solicit your Lordship's Aid, and that in the most earnest Manner.

When the Faculty of Advocates, about Thirteen or Fourteen Years ago, applied to the Lord Register for a Copy of the Statutes, his Lordship expressed his Sentiments of the Faculty's Purpose in the most judicious Manner, and gave Orders accordingly. I suppose that the Expence attending such a Transcript deterred them from proceeding in their Purpose. Now there is an Opening for having something much better, a printed Book within every one's Reach, instead of a Manuscript Copy, to be consulted in the Advocates Library.

The Honour of such a Publication will belong to Lord Frederick Campbell; and he will appear in a better Light than his Predecessors; for they have given nothing to the Public but imperfect, careless, and I might even say jobbed Editions of the Statute Book.

May I entreat your Lordship to use your good Offices with the Lord Register, and that with your earliest Conveniency, in obtaining his Approbation of a Work, which, if not undertaken soon, will never be executed at all.

Whatever I can do in superintending the Work, consistently with my necessary Avocations, will be readily bestowed.

I am, with great Respect,
My Lord,
Your Lordship's most obedient,
and devoted humble Servant,
DAV. DALRYMPLE.

Newhailes, 16th January, 1786.

III. LETTER

III. LETTER from the Right Honourable Lord FREDERICK CAMPBELL, Lord Clerk Register, to the Right Honourable ILAY CAMPBELL, Lord Advocate of Scotland.

APPENDIX, (X.)

Proceedings of the Faculty of Advocates, 1809.

My dear Lord, London, 26th January, 1786.

Many Thanks to you for the Communication of Lord Hailes's Letter of January 16th.

Be so good as to assure his Lordship, that I will, upon his Lordship's Recommendation, give every Facility in my Power to Messrs. Robertsons Plan of printing a correct Edition of the Acts of Parliament from the Reign of James the First, and of adding the unprinted Acts as they appear in the Record.

I think myself particularly fortunate in having so useful a Work begun in my Time by Men equal to the Undertaking, and superintended by Lord Hailes, in whose extensive Knowledge and unwearied Researches the Public have so much Reason to place entire Confidence.

I am, my dear Lord,
&c. &c.
FRED^K CAMPBELL.

Thereafter the following Motions were read from the Chair, and unanimously agreed to:

"That the Faculty consider the Publication of a full and accurate Edition of the Acts of the Parliament of "Scotland, as a Work of great National Importance, in the successful Execution of which they feel a deep "Interest.

"That the following Members, viz. Mr. Robert Craigie, Mr. David Hume, Mr. John Clerk, Mr. Robert "Hamilton, Mr. Alexander Irving, Mr. George Cranstoun, Mr. Henry Mackenzie, and Mr. Robert Græme, be "appointed a Committee to confer and advise with Mr. Thomson on the Plan and Execution of the proposed "Edition of the Acts of Parliament, and to report thereon to the Faculty, from Time to Time, either for their "Information or for Direction, as they may see Cause; of which Committee Mr. Thomson to be a Member, and "the Convener.

"That the Dean be requested to present to the Lord Clerk Register the Thanks of the Faculty, for the Com- "munication which his Lordship has made to them, on a Subject so peculiarly interesting to them as Individuals, "as well as a Body; and to express to his Lordship the strong Sense they entertain of his zealous and successful "Exertions for the Preservation and Improvement of the Public Records of Scotland."

MAT. ROSS, D. F.

Edinburgh, 18th February, 1809.

Extracted from the Records of the Faculty by
ALEX^R MANNERS, Cl. Fac.

IRELAND.

Appendix (Y. 1.)

Account of the Valuation of Ecclesiastical Benefices in Ireland.

APPENDIX, (Y. 2.)

Account of Ecclesiastical Benefices, Ireland.

WHILST searching for Monastic Records in the Rooms of the Court of Exchequer at Westminster relating to England and Ireland, I found in a Bag Fourteen long Rolls containing an Ecclesiastical Valor and Taxation of the Whole of Ireland, made by the Authority of Pope Nicholas the Fourth, A.D. 1292. I had before read several Instruments in Rymer's Fœdera, Volume 2. which induced me to suppose such Records were in some Repository in Ireland. The Valor extends to the Possessions of Archbishops, Bishops, and the Religious, and also to Rectories, Vicarages, and to every Kind of Ecclesiastical Benefice.

Upon the Rolls there is this Entry, " Hos rotulos simul cum aliis rotulis de Taxatione bonorum Beneficiorum " totius Hibernie recepit hic ad Scaccarium Walterus Exon' Episcopus tunc Thesaurarius primo die Octobris " anno regni Regis Edwardi filii Regis Edwardi xvj^mo in quadam baga sigillo Scaccarii Dublin consignata per " manus Willielmi de Lughteburgh nuncii domini Regis eandem bagam sub sigillo predicto deferentis et eam " dicto Thesaurario ex parte Thesaurarii et Baronum dicti Scaccarii Dublin' liberantis."

GEO. VANDERZEE,
Sub-Commissioner.

Appendix (Y. 2.)

REPORT of Searches for Original Records and Manuscript Copies of Charters and Statutes in IRELAND; with Observations upon the Condition, Arrangement, and future Preservation of the Public Records of IRELAND.

Report of Searches.

APPENDIX, (Y. 2.)

Searches for Charters and Statutes.

1. IN the *Red Book* of the *Exchequer* at DUBLIN (fo. 69. & seq.) is an Entry of the Magna Carta 12th November 1 Hen. III. transmitted to Ireland, and collated from that Book for Blackstone, with the Magna Carta of England of that Date. On Examination of this with the printed Copy by Blackstone, several Errors were discovered. In fo. 81. to 91. of this Red Book, is contained an Entry of the Statute of Westminster 1. 3 Edw. I. which is not to be found on the Statute Roll in the Tower of London. This Entry is followed by the Entries of the Statutes of Gloucester (6 Ed. I.); de Viris Religiosis (7 Edw. I.); and Westminster 2. (13 Edw. I.) As it appears on a Comparison that the Entries of these Statutes agree with those on the Statute Roll in the Tower, it may be concluded that the Entry of Stat. Westm. 1. must have been taken either from that Statute Roll when perfect, or from some Source equally authentic. It is consequently entitled to more Credit than any Copy which has been hitherto met with in *England.*

It seems probable that this Entry was in fact made from an Exemplification sent over from England in the 13th Year of Edw. I. and noticed in a Memorandum on the Close Roll of that Year in the Tower of London, m. 5. d.*: but although the Statute pro Mercatoribus is there mentioned, yet neither the Statute of Acton Burnel, 11 Edw. I. nor the Statute Staple, 13 Edw. I. are contained in this Red Book.

* De Statutis liberatis } Memo^d qđ die Veñis in festo Exaltaćōis Sc̄e Crucis anno &c. xiij^o apud Wyntoñ lib̄ata fūnt Rog̃o Bretun Clico veñab p̄ris W. Wat̃ford Ep̄i tūc Justic̄ Hib̄ñ quedam Statuta p̄ Regem & consiliū suū edita & p̄visa, videlt Statuta Westm̄ statim post coronaćōem R̄ edita, & Statuta Glouc̄, & Statuta p̄ m̄catoribꝫ fc̄a ac Statuta Westmoñ in p̄leamento Reg̃ Pasch̄ anno p̄dc̄o p̄visa & fc̄a, in Hib̄ñ deferenda & ibidē p̄clamanda & obs̄vanda.

In

Searches for Charters and Statutes.

In this Red Book of the Exchequer of Ireland are also found the following Articles:

Fo. 4. "Ordinationes in Parliamento apud Westm' tempore Regis Edwardi 3tii tento, prout tam inferius et in Rot. Mem. Sccrii Dublinii de termino Sancti Michaelis anno ejusdem Regis 5to, quam in Rot. Cancellar Hibnie de anno 6to dicti Regis irrotulat continentur.

"Edwardus Dei gratia Rex Anglie, Dñs Hibnie, & Dux Aquitanie, Justic, Cancellar, & Thesaur suis Hibniæ, Salm. Mandamus vobis quod articulos subscriptos, quos pro emendatione status terræ nre Hibniæ & quiete & tranquilitate nris ibidem, per advisamentum consilii nri in ultimo Parliamento nro apud Westm tento, ordinavimus, in dicta terra Hibnia quantum ad vos attinet teneatis & observetis, & per alios fideles nostros dictæ terræ teneri & observari faciatis. Tenor autem articulorum prædictorum talis est.

"Imprimis,"—then follow some Articles partly illegible, but which appear to be the same as are contained in the printed Parl. Rolls 5 Edw. III. No. 3, 5, 6.

Fo. 8. Writ of Hen. IV. directed to the Justice, Chancellor, and Treasurer of Ireland, for the Observance of the "Statutum de Absentibus in parliamento Dñi Richardi Secundi post Conquestum anno regni suo tertio tento. Teste me ipo apud West' 17 Dec' anno regni 1mo."—At the Foot of the said Writ is this Memorandum, viz.

"Mem quod Statutum sive Ordinatio de absentibus super quo ista brevia fundantur est in Albo Libro hujus Sccrii."—Of the Liber Albus here mentioned, nothing is known at the Exchequer. Nicolson states that it was destroyed. The Statute alluded to is in Printed Rot. Parl. 3 Ric. II. nu. 42—44.

Fo. 20. An Entry of Cap. 4. of the English Stat. 28 Ed. III. respecting Escheators, which appears to agree with the Entry on the English Statute Roll in the Tower.

Fo. 22. Entry of Chap. 5. of Stat. 13 Ric. II. st. 1. and of Cap. 3. of 15 Ric. II. c. 3. for regulating the Jurisdiction of the Admiral.—These appear to agree with the Entries on the English Stat. Roll.

Fo. 23. Entry of Chap. 10. of Stat. 14 Ric. II. as "L'Estatut encontre Customers, Controllers, & autres:" agreeing with the English Statute Roll.

Fo. 33—36. "Mem qd 4to die Maii anno regni Regis Ed. fil Regis Ed. 17o Dñs Rex mandavit Cancellario suo Hibnie quædam Statuta apud Lincoln & Eborum edita, & ea in eadem terra publicari & observari precepit, per breve qd sequitur in hæc verba:

"Edwardus Dei gra Rex Anglie, Dominus Hibernie, & Dux Aquit, Cancellario suo Hibernie, Salutem. Quedam Statuta," &c. [*as in the Writ entered on the Stat. Roll of 12 Edw. II. in the Tower of London.*]—The Teste is as follows:

"Teste me ipo apud Notinghm xx die Novembr, anno r. n. decimo septimo: p ipm Regem & consiliu."—The Date of the Year does not appear on the English Statute Roll, the Uncertainty of which is supplied by this Entry.

Fo. 79. An Entry of the Statute of Roteland, or New Stat. of the Exchequer, 10 Edw. I. This appears to agree with the Entry on the Close Roll in the Tower (12 Edw. I. m. 7. d.) as printed in Hawkins' Edition of the English Statutes.

2. In the *Office of the Town Clerk* at the *Sessions House in Dublin*, whither all the Records of the Tholsel were removed in the Year 1796, is a Book (written apparently about the Time of Edw. II.) called the Chain-Book, having been kept chained to a Table at the Tholsel. It contains an Enumeration of the Customs and Privileges of the City of Dublin, and at the End is an Instrument in French relating to the Assise of Bread and Ale, &c. the former Part of which is very similar to the English Statute usually printed as the Assisa Panis, &c. and the latter to some Parts of the Judicium Pillorie, 51 Hen. III.

3. *In the Library of Trinity College, Dublin*, the following Manuscript Articles are preserved:

Class.	Shelf.	No.	
K.	4 & 5.	—	Selecta quedam ex Rotulis Patentibus:
(14 Folio Volumes)			A Collection of Instruments from the Patent Rolls in the Tower of London from 1 Hen. III. to 22 Edw. IV. This contains several private as well as public Instruments, and appears to have been collected by *Henry Powle*, Keeper of the Records in the Tower, afterwards Master of the Rolls, whose Signature appears at the Beginning of each Volume. Many of the Instruments are in Rymer.
(23 Folio Volumes)			Transcripts of the Rolls of Parliament 5 Edw. II. to 4 Hen. VIII. inclusive.
E.	1	4.	Index Inquisitionum Escaetarum terrarum in Anglia que inveniuntur in Turri Londini; cum Tabula Alphabetica nominum.
(1 Folio Volume 200 pp.)			This contains Minutes of Escheats and Extents from the Time of Hen. III. to 36 H. VI. It does not appear to be so full as the Calendar No. VI. printed by Order of the Commissioners of Records, so far as that goes, which is only to the End of Edw. II.

Appendix, (Y. 2.)

Searches for Charters and Statutes.

E. 3. 18. Article 1. Modus tenendi Parliamenta & Concilia in Hibernia p Hen. II. ordinatus: Et Exemplificatio ejusdem p *Hen. III.**

* This seems erroneous; the Exemplification begins "Henricus Dei gratia Rex Anglie, Francie, & Dominus Hybernie;" and ends "Teste prefato locum nostrum tenente apud Trym 12° die Januarii regni nri 6°." The Manuscript ends thus: "This is a true Copy of the Exemplification under the Great Seal of Ireland, remaining in the Hands of Sr Robt Cotton Kn^t^ Dan. Molyneux, Ulster King of Arms."

Article 2. Modus tenendi plñita in Anglia temp̃ E. fil Etheldredi &c. cum Tractatu de Officio Senescalli.

[This Article is also in the Manuscript, E. 4. 5. Article 2.]

G 1. 23.
E. 5. 6.
E. 6. 3. } Manuscript Collections of Statutes, incorrect, and of no Value.

G. 3. 1, 4, & 15. } Manuscripts as to holding of Parliaments and passing Bills; all of which, it is believed, have been printed.

4. *At the Cathedral of Christ Church, Dublin*, in the *Liber Niger* there, written between the Years 1280 and 1299, [9—27 Edw. I.] are Entries of the following Articles:

162 (b) Magna Carta Johannis—incorrect.
165 Magna Carta Henrici III. 6 Nov. anno regni 2°.
166 (b) Carta de Foresta Do. Do.
167 (b) Stat. Merton, 20 H. III.
168 (b) Dict. de Kenelworth, 51, 52 H. III.
170 Stat. Marlbridge, 52 H. III.
173 Stat. Westm. 1. 3 Edw. I.
178 Stat. de Judaismo, 3 Ed. I.
179 (b) Districc̃ones Scaccarii temp. H. III.
Id. Stat. Gloucester 6 Edw. I. (agreeing with the Statute Roll in the Tower.)
181 Les Estatuz de Religion. The Stat. 7 Edw. I. de Viris Religiosis, in French.

At this Cathedral are also preserved Three Folio Volumes, containing Transcripts of Charters, Bulls, Statutes, and other Matters relating to the Cathedral; made by Dr. Lyon about Fifty Years since, and thus intituled:

"Registrum Novum; continens Chartas & Literas tam Regum quam aliorum, Bullas Pontificales, Conventiones factas, Inquisitiones, Testamenta, Parliamenti Statuta, Rotulos computales, Rentalia, & quedam alia memorabilia de Ecclesia Cathedrali S. Trinitatis seu Ædis Christi Dublin. Ex Autographis, infra Archiva ejusdem per multa æva conservatis, fideliter exscripta; sigillaque ipsa autographorum unicuiq, appensa sparsim delineata. Cum tabula accurata, & indice præcipuarum rerum copiosissimo."

To these Volumes is annexed an "Index Rerum," very well arranged, and by which the Entry of any Article may be found, and the Original (remaining in the Archives of the Cathedral) readily produced. The Drawings made from the Seals are very faithful and elegant.

5. The Transmission of the Statutes entered in the Red Book of the Exchequer at Dublin, is inaccurately noticed in Sir R. Bolton's Edition of the Statutes of Ireland, (printed A. D. 1621.) in a Note on the Act 10 H. 7. c. 22. where he states that he had seen an Exemplification of these and other Statutes in the Treasury of the City of Waterford. Bishop Nicolson, in his Irish Historical Library, (p. 66.) refers to the Close Roll above noticed in Correction of Sir R. Bolton's Statement. But on a diligent Search made at Waterford no Trace of such Record or Exemplification exists, either in the Archives of the Dean and Chapter, or of the Corporation of Waterford. It is related that when the old Exchange at Waterford was pulled down, about Forty Years since, the Mayor ordered several Cart Loads of very old Manuscripts to be thrown in a Heap in the Street, and burned as useless Lumber. In the Time of King Charles I. Waterford was several Times taken by the Duke of Ormonde, who carried away from thence to Kilkenny Castle numerous ancient Records relating to Waterford. Maps and Records relating in particular to the Church and its Possessions are known to be now there; and several Instances have occurred where they have been produced from Kilkenny Castle, and read in Evidence on Trials relating to the Title of the Chapter. The Burleigh Family also about the same Period conveyed many Records to Lismore Castle; a Fire happened there some Years since, when the Records were thrown in a confused Heap into a Tower in the Castle, where they now lie.

(Y. 3.)

OBSERVATIONS *on the Condition, Arrangement, and future Preservation of* THE RECORDS OF IRELAND.

THE OBSERVATIONS of the Sub-Commissioners have resulted from the Information given them at the Offices and Places following, viz.

In the Castle of Dublin.
1. The Office of Under Secretary for Civil Affairs,
2. Bermingham Tower,
3. The Office of Surveyor General of the Crown Lands,
4. The State Paper Office,

In the City of Dublin.
5. The House where the Acts, &c. of the Irish Parliament are kept,
6. The Rolls Office,
7. The Court of Exchequer,
8. The Sessions House,
9. Trinity College,
10. The Cathedral of Christ Church,

1. In The OFFICE OF UNDER SECRETARY FOR CIVIL AFFAIRS are preserved Twenty-six Manuscript Folio Volumes, compiled in English by Mr. Lodge, heretofore for Forty Years Deputy Keeper of the Rolls, and of the Records in the Bermingham Tower, and which were purchased of his Representatives by the Government of Ireland. The Terms on which this Purchase was made appears by the King's Letter, dated the 15th of August 1783, entered at the Signet Office.

The following is a short Epitome of the Number and Contents of the several Volumes of this Collection:

No. of Vols.
13. Abstract of Inrolments of Grants entered on the Patent, Close, and other Rolls preserved in the Rolls Office and the Bermingham Tower, Dublin, from 31 Edw. I. to 31 Geo. II.
1. Index to the said Thirteen Volumes.
1. Grants of Fairs and Markets. Lettered as Vol. XIV.—(C.)
1. Parliamentary Register.—(D.)
2. List of Patentee Officers in Ireland from 33 Hen. VIII. to 13 Geo. III.—(E.)
1. List of Converts, and Protestant Settlers.—(F.)
2. Grants of Wardships and Liveries, Pardons for Alienations, &c. temp. Hen. VIII. to Charles II.—(G.)
1. Agreements with Irish Chiefs; general and particular Pardons, &c. Grants of Money, Pensions, &c. from the Time of Henry VIII. to Geo. III.—(H.)
1. Miscellaneous Inrolments.—(I.)
1. List of Members of King's Inns from the Year 1607.
1. King's Letters 27 Hen. VIII. to 12 Eliz. for the Appointment of Chancellors and other Officers of State.—Also Letters to and from Ministers, on Transactions in Parliament during that Period.
1. Orders for Money Payments, 1651—1656.

26.

There are also Five Volumes, containing Printed Proclamations, from 1618 to 1711: viz. Vol. I. 1618 to 1689; —II. 1660 and 1661;—III. 1670 to 1711;—IV. 1688 to 1700;—V. 1689 to 1709.

Mr. Lodge's Collection appears to be of great Importance, as containing a vast Mass of useful Information, well abstracted and digested; and most peculiarly congenial to the Purposes for which the Commission was appointed. It may perhaps serve to suggest a Plan and at the same Time to offer a Specimen for translating, arranging, and digesting the Contents of all the Records of the Kingdom, so as to afford the easiest Reference and the completest Abstract possible. By means of these Volumes the Sub-Commissioners were directed in their Searches at the Bermingham Tower and the Rolls Office; to the Patent and Close Rolls, in both which Places Lodge's Books, as far as they go, are complete Calendars, Abstracts, and Indexes.

2. In the BERMINGHAM TOWER, besides the Patent and Close Rolls abstracted by Mr. Lodge, are also preserved the Pipe Rolls. From a Manuscript in the Library of Trinity College, Dublin, it appears that one Pipe Roll, as early as the 13th and 14th of King John, was preserved here in 1678; but it may be doubted whether that Roll now exists. There are also preserved Rolls of Common Pleas, Pleas of the Crown, &c. but without any sufficient Calendars or Indexes. The Contents and Condition of these Records appear more fully from the Return made by Mr. Warburton, the Deputy Keeper of the Records in that Tower, in consequence of his receiving a Copy of the Questions sent by the Committee on Records in the Year 1800 to the Keepers of the several Repositories of Records in Great Britain.

Appendix, (Y. 3.)

Condition and Arrangement of Records.

"The Records deposited in the above Tower consist of Three Sorts; namely, 1st. Compoti or Pipe Rolls, being the Transcripts of the Accounts of Public Accountants. 2dly. Patent Rolls; (and a very few Close Rolls.) 3dly. Plea Rolls, or Proceedings of the several Courts of Justice."

"The Pipe Rolls commence in the Reign of Hen. III. and continue (but not in regular Succession) to the middle of the Reign of His late Majesty Geo. II. the greater Part of which were transmitted to the Tower from the Pipe Office, only a few Years since.—The Patent Rolls commence in the 31st Edw. I. and end in the Reign of Hen. 7th; they are not in regular Succession, and some of them mentioned by Mr. Lodge are not now in the Tower, and some few Rolls not mentioned by him have been found.—The Plea Rolls commence the 36th Hen. III. and end 3d Chas. I."

"An Index or Calendar is kept in the Tower consisting of Two Volumes; but it refers only to the Patent and Plea Rolls, and it is so extremely imperfect and incorrect, as to be nearly useless. To the Pipe Rolls there is no Index or Calendar whatsoever."

"The Condition of the Building in which the above Records are lodged, is extremely good, both as to Security and Accommodation for the keeping thereof. It is a very large Circular Room with good Presses all round and in the Centre. The Records at present lodged there, do not occupy One Half of the Presses, and there is sufficient Room for an Inner Circle (similar to that in the Chapter House at Westminster) for any other Records or Papers which it might be deemed necessary to deposit in the Tower."

"The Rolls in general appear in good order; but some of them were destroyed, and others injured by a Fire that took place about 30 Years ago."

"There are not (as before stated) correct Calendars or Indexes to the said Records in said Tower; but in Mr. Lodge's Books in the Castle of Dublin, there is a Calendar to the principal Matters contained in the Patent Rolls, but not to the others. From the Nature of these Records, it is submitted it would be of considerable Utility to have regular and correct Calendars made, but it would take many Months unremitting Attention and proper Assistance to compleat them."

The Patent and Close Rolls actually found here, were compared with a List made by Mr. Lodge, and inserted in the First Volume of his Abstracts above noticed. Several of those stated by Mr. Lodge to have been preserved here could not be found by the Sub-Commissioners; but some Rolls were found which had not been noticed by Mr. Lodge: These are distinguished in A List of the Rolls, made by the Sub-Commissioners: Mr. Lodge, in his List, states that the Patent and Close Rolls in the Bermingham Tower have been left there by Mistake, and ought to be deposited in the Rolls Office, with the rest of the Patent and Close Rolls there. It seems indeed desirable that all Rolls of a like Nature should be preserved in the same Repository; by which means, in this Instance, the Series would be rendered more complete, and the Confusion and Uncertainty resulting from Records of the same Nature being kept in Two different Repositories, in Two Series, both interrupted, would be remedied.

Mr. Warburton, in his Return, states his Allowance, as Deputy in this Office, at Twelve Guineas per Annum. It appears from Lodge's List of the Patentee Offices, that the Salary of the Principal, (of whom no Attendance is required) is now Five hundred Pounds. It was first raised to that Sum (from Two hundred Pounds) on Mr. Addison's being appointed to that Office.

3. In the Office of Surveyor General of the Crown Lands are kept the Maps made by Sir William Petty, on the Survey of the Forfeited Lands, (1656—1659, &c.) in several Counties in Ireland, usually called The Down Survey. As also Copies of Barony Maps, by General Vallancey. The Nature of these Maps, and the Occasion on which they were made, are very fully and clearly stated in the Fourth Report of the Commissioners of Inquiry relative to Fees and Abuses in Offices in Ireland, dated 19th July 1806, printed by Order of the House of Commons in December 1806.

The Particulars of these Maps were given to the Sub-Commissioners in a Form similar to that in which they had previously been delivered to the Commissioners of Enquiry.—Some of Sir William Petty's Maps are accompanied with Certificates, which others want. This Distinction was not noticed in the Return to the Commissioners of Enquiry.

As these Maps of the Down Survey have been frequently produced in Evidence, and are by Law recognised as of high Authenticity; (See Irish Acts 14, 15 Car. II. c. 2. § 36, Clause 2. of Instructions; and § 98.—17, 18 Car. II. c. 2. § 5, 23, 100;); the insecure State in which they are kept is to be regretted: They are in a small Room, at the Top of an old House, very subject to Accidents by Fire, (a Circumstance which occurred not long since,) and where there is very little Convenience for consulting them. Add to this, that several of the Maps of the Down Survey have been injured in consequence of the Lines which mark the Boundaries of Parishes and Places having been traced over with a Pin, or Knife, or some sharp Instrument, for the Purpose of making exact

exact Copies. This Practice of late has been discontinued. But the State in which the Maps are kept requires on the whole very serious Consideration.

Condition and Arrangement of Records.

4. An Account of the original Institution of the STATE PAPER OFFICE is given in Lodge's Lists of Patentee Officers, Vol. 1. p. 156. The Office appears now to have become a Sinecure, with an annual Salary of Five hundred Pounds annexed to it. The Business is transacted by the Clerks of the Under Secretary for Civil Affairs; one of whom receives Ten Pounds a Year and an Allowance of Fifty Pounds in lieu of Apartments. It is the Duty of this Clerk to have the Custody of the Books (in which the Papers preserved here are entered) during any Vacancy in the Office of the Lord Lieutenant: and at all Times to give Copies of Papers when duly required. The earliest Volume of Entries is dated 1697. The Papers entered in those Volumes consist of Correspondence of Ministers in Ireland with the Ministers in Great Britain, and with the Treasury and Commissioners of Revenue in Ireland; all Appointments of Civil and Ecclesiastical Officers by the Government of Ireland; Petitions for Allowances and Gratuities, &c. The Books are in good Order, well kept, and have Indexes to each Volume.—In this Office is preserved a Letter written in March 1806 by Lord Redesdale, then Lord Chancellor of Ireland, to the Earl of Hardwicke, the then Lord Lieutenant, on the Subject of the Records of Ireland, containing very important Hints relative to the present State of the Parliamentary Records in particular, and to the future Regulation and Preservation of the Records.

5. The Records and Papers preserved in the PARLIAMENT HOUSE in Dublin, at the Time of the Union, commencing in 1634, and ending in 1800, have been removed to a very insecure House, No. 35, Anglesea Street. Among them are all the original Bills and Acts of Parliament, in a Series, somewhat interrupted, from 1692 to 1715, and thence uninterruptedly to the Time of the Union. These were in very great Confusion and Disorder; and as there is no Calendar or Index to them (except the Journals of the House of Lords) it is very difficult either to obtain Information of the Existence of any Act, or to have recourse to the Act if known to exist. This Deficiency is the more prejudicial as the like Defect exists at the Rolls Office, whither engrossed Copies of the Acts were from Time to Time transmitted; See the Account of that Office. It is feared that some Papers or Records have been lost, as the Removal took place under Circumstances very unfavourable to Security or Accuracy; the Records having been delivered up by the late Deputy Clerk of the Parliament to the Person employed as Architect in altering the Parliament House for the Bank. This Person sent the Records to their present Repository by Cart-loads, without Order or Method, and free from any Check whatever. After the Union an Officer was appointed, to whom the Custody of the Parliamentary Records was nominally committed, with a considerable Salary, charged on the Civil List.

The Mode in which the Original Acts here are indorsed on passing their several Stages, seems deserving of Attention, as conveying more Information than the Indorsements of the Acts preserved in the Parliament Office at Westminster.

The following is the Form of the Irish Indorsement:

An Act (setting out the Title)
Mercurii, 26° Die Martii 1800, prima vice lecta;
Jovis, 27° Die Martii 1800, secunda vice lecta;
Lunæ, 31 Die Martii 1800, tertia vice lecta;
Soit baillé aux Seigneurs.
} *G. F. Hill*, Cler. Dom. Com.

Die Jovis, 10° Aprilis 1800, prima vice lecta;
Die Sabbati, 12° Aprilis 1800, secunda vice lecta;
Die Martis, 15° Aprilis 1800, tertia vice lecta;
A cette Bille les Seigneurs ont assentus.
} *J. Gayer*, D. Cler. Parl.

At the Top of the Act, on the Inside of the Roll, the Title and Time of passing are written, *e. g.*

AN ACT, &c.

Thursday the Twelfth Day of June One thousand eight hundred, Royal Assent given.

Joh. Gayer, D. Cler. Par.

6. THE ROLLS OFFICE.—The Patent Rolls preserved in this Office appear to agree with the List made by Mr. Lodge, and inserted in the First Volume of his Abstracts. On a Comparison of this List with that of the Rolls in the Bermingham Tower, it will be found that some of the Deficiencies at the Rolls may be supplied from the Bermingham Tower; and that by this means, though the Series of Rolls would not then be complete, yet all the Rolls of the same Nature would be together, and could then be easily referred to in the same Office: Whereas

at

APPENDIX, (Y. 3.)

Condition and Arrangement of Records.

at present the Search must be made in Two Places for Rolls of a like Nature; *e. g.* the Patent Roll 17 E. III. is at the Roll Office; those of 20 & 21 E. III. &c. in the Bermingham Tower; some of the 26th Year at the Bermingham Tower; and some of that Year at the Rolls Office; three of the 29th and 32d Years at the Bermingham Tower; one of the 32d at the Rolls; the 46th and 48th at the Rolls; the 49th at the Bermingham Tower; and the 51st at the Rolls; and so in many other Instances.

The Calendars of the Rolls kept at the Rolls Office do not commence till the 22d of Hen. VIII.; so that any Reference to previous Rolls can be had only from Lodge's Abstracts and Indexes. From 22 Hen. VIII. to the present Time the Calendars are regular and complete, but not nearly so full or methodical as Lodge's Books. Some of the Calendars require to be re-copied, being nearly worn out. The Contents of the Rolls themselves, particularly in latter Times, seem to require Animadversion. The Distinction between Patent and Close Rolls is not now observed. In fact the modern Rolls are neither Patent nor Close Rolls: From about the Time of Charles II. they have obtained the Term of Mixed Rolls, Private Grants and Conveyances being entered on them, as well as Royal Patents and Public Grants. It was suggested that some practical Difficulties and Delays have occurred, in particular from entering on those Rolls Bargains and Sales of Bankrupts' Effects, which ought to be inrolled in the Office of Clerk of Inrolments in Bankruptcy; where all other Proceedings respecting Bankrupts are inrolled. This Part of the Subject may deserve further Inquiry and more diligent Investigation.

With respect to the Transmisses and Inrolments of Acts of Parliament preserved at the Rolls Office, it has been already remarked, that a like Defect prevails here as in the present Repository for the Original Acts and Proceedings in Parliament. The Statute Rolls, or Rolls of Parliament, from 5 Hen. VI. are preserved here; but there is not any Index or Calendar of those early Acts in the Office. Calendars of the Acts, Public and Private, from 11 Jac. I. to A. D. 1711. (9 & 10 Anne) are preserved in tolerably good Order, and the inrolled Acts of that Period can occasionally be found and referred to; but after that Period to the Union in 1800 the Lists contain only the Private Acts, and they are not easily found. Among those Private Acts are several not included in the printed Editions of the Irish Statutes. The Lists have not been continued since the Union.

Notwithstanding the Report made by the House of Lords in Ireland, and the Resolution of that House on February 23, 1758, (See Journals of the House of Lords of Ireland, vol. iv. pa. 109—117.) it does not appear that the Acts after being passed are duly certified into Chancery at the End of each Session, as required by that Resolution. Some Rolls of Acts between 1711 and 1758 have been found, but not signed or certified by the Clerk of the Parliaments; and it is observable that the Heads or Introductions of these Rolls have been cut off. Since the Year 1758 it seems that instead of the whole Body of Acts being certified authentically into Chancery at the End of the Session, Copies of each separate Act uncertified have been delivered into the Rolls Office, and put by without Regularity or Method, and without being calendared or indexed. This Confusion appears particularly to have prevailed of late Years, so that it is almost impossible to trace out or find any Act whatever; and when found, many of them are rendered illegible by the careless Method in which they were originally transcribed, and the Injury suffered from the Damp, and by unskilful Management; so that on the whole the State of the Records of the Statute Law of Ireland appears more confused and erroneous than at the Time of the Parliamentary Proceedings in 1758. The Security and Accommodation of the Bermingham Tower seem peculiarly adapted to the Reception of all Records of Statutes. In that Place they could be collected and arranged in the First Instance, and if perfect Duplicates were then found to exist, one Set might remain in the Tower, and the other, being duly examined and certified, be sent to the Rolls. Some such Measure, however laborious, seems absolutely requisite, in order to prevent the Evidence of the Statute Law of this Part of the United Kingdom previous to the Union from being completely lost; or at least completely inaccessible.

The Room in which these and other Records are kept, though large and commodious, is not secure from the Weather. At the Top of the Presses in which the Rolls are contained, immediately under the Ceiling, through which the Wet occasionally makes its way, are deposited a very great Number of Bundles of Inquisitiones post Mortem, in a State entirely confused and irregular, and fast approaching to Decay. Several Inquisitions of a like Nature are also said to be deposited in the Court of Exchequer, in a State not much more favourable to their Preservation. There are no Calendars or Indexes to any of these.

It has been asserted that some Uncertainty or Irregularity prevails as to the Custody of certain Records in this Office, particularly Answers in Chancery. The Accuracy or Inaccuracy of this Assertion may deserve Inquiry.

7. THE EXCHEQUER.—As to the valuable Contents of the Red Book, it is necessary here to add that it contains some Acts of Irish Parliaments not noticed in any Edition of the Irish Statutes.

8. The Records in the TOWN CLERKS' OFFICE at the Sessions House relate chiefly to the Liberties and Privileges of the City of Dublin. Calendars and Copies of all the Instruments are kept in the Office; and a Copy is making for the Recorder of Dublin, with Translations of the several Charters and other Matters of Importance to the City.

9. TRINITY

9. TRINITY COLLEGE.—See before, pa. 301. as to several Manuscripts preserved here. Some other Manuscripts seem deserving Notice, as connected with the Records of Ireland, *e. g.* APPENDIX, (Y. 3.)

Condition and Arrangement of Records.

F. 3. 17. Contents of the Red Council Book of Ireland from 4 H. VIII. to 6 E. VI. An Alphabetical Table to the Collection of Letters concerning the Public Affairs of Ireland in the Reign of King Jac. I. as contained in the Council Books by Sir William Ussher.

F. 1. 3. Liber Inrotulamentorum Literarum Patentium sub Magno Sigillo Regni Hibernie in Annis 9, 10, 11, & 12 Caroli 1^mi Regis cum Indice Nominum.

E. 3. 4. Index seu Liber Repertorius omnium Inquisitionum & Rotulorum Regalium Servitiorum a 20 R. II. usq; ad 19 Eliz. inclusivè; remanentium in Officio Capitalis Rememoratoris Scaccarii Hibernie: Factus per Walterum Harolde Deputatem Rememoratoris ejusdem Scaccarii.

E. 3. 34. Copy of the Exemplification and Order of King James I. for enrolling the several Inquisitions concerning the Six escheated Counties in the North of Ireland, taken in the Seventh Year of his Reign, with a Recital of the said Inquisitions at large.

10. CHRIST CHURCH CATHEDRAL.—See before, pa. 302.

(Y. 4.)

Letter from the Right Honourable LORD REDESDALE, LORD CHANCELLOR OF IRELAND, *to his Excellency the Earl of Hardwicke, Lord Lieutenant of Ireland, upon the State of the Public Records of* IRELAND. APPENDIX, (Y. 4.)

MY LORD, *Dublin*, 3d *March* 1806. Letter of the Lord Chancellor of Ireland, 1806.

YOUR EXCELLENCY having mentioned to me your concern at the State of the Public Records of Ireland, and your Anxiety to adopt some Measure for the Purpose of placing them in a better Situation, I have considered the Subject, and I intended to have presented to your Excellency a Plan for the Purpose, if I had continued in Office, so as to have Leisure to make more minute Enquiries than I have been able to do.

The Condition of the Records and Documents of different Descriptions, which were lodged in the Parliament House, has come before me, in more than one Instance; and particularly as one of the Corporation of Commissioners for Charitable Donations and Bequests, and in consequence of an Order of the House of Lords for delivery to the Commissioners of the several Documents and Papers which had been from Time to Time collected for the Use of the Committee for Charitable Donations and Bequests, ordinarily appointed by the Lords of Ireland before the Union; and which the Commissioners were informed, comprized not only valuable Information, but Deeds and Instruments importantly concerning the Objects of their Trust. On Application to the Person in whose Custody those Documents and Papers ought to have been, we found that every thing in the Two Houses of Parliament of that Description had been removed, promiscuously, on Sale of the Building to the Bank, and lodged in a House in Anglesea Street, where they remained in utter Confusion, and in danger of Destruction. It seems to me that your Excellency cannot be too early in taking some Step for the Preservation of Records and Documents so importantly concerning the Public as well as Individuals. But the final Disposition of them appears to me to be properly the Object of Attention of both Houses of Parliament; and on my Return to England I shall probably think it my Duty to state the Matter in the House of Lords, and propose some Measures to be taken in concurrence with the other House of Parliament. Until such Measures can be adopted, I think it necessary the Lord Lieutenant of Ireland should attend to the immediate Safety of those Records and Documents; and I strongly recommend to your Excellency personally to visit them, and consider what may be fit to be done for that Purpose; or if the Time of your Excellency's Stay here should not permit your Interference, that you would mention the Subject to your Successor as Matter requiring his early Attention.

The Carelessness which has characterised the Proceedings with respect to the Records and Documents belonging to the Two Houses of the Irish Parliament, since the Union, has probably been produced by the Measure then adopted, of compensating the Officers of those Houses to the full Extent of their Emoluments, and thus inducing them to consider those Offices as wholly at an End, and that they had become mere Pensioners for Life without any Obligation of Public Duty; and I very much fear your Excellency will find that similar Consequences have flowed from the same Source in other Departments. Indeed, according to all the Information which I have been able to obtain, the Public Records and Documents of every Description have been very much neglected, and are in a state of great Confusion, except those which are now lodged in the Building, comprising the Four Courts, and the Offices of many of their Officers, to which the Office of Register of Deeds has been added very lately, in Exclusion of some of the Officers of the Courts, the Documents in whose Offices are of great Public Concern. It seems to me also that the Office of the Register would have remained more properly at the Castle, under the Protection of the Castle Guard; and I strongly recommend that it should be removed back to the Castle as soon as proper Buildings can be provided for the Purpose, for which I understand there is ample Space.

Appendix, (Y. 4.)

Letter of the Lord Chancellor of Ireland, 1806.

I think it important here to state to your Excellency that the Four Courts and the adjoining Buildings have been erected on Ground belonging to the Society of King's Inns, on which the Buildings anciently used by the Society had stood. It seems to me that the Scite of the Four Courts, and Repository of Records, ought to be formally vested in the Crown, discharged from all Claim of the Society of King's Inns, who ought, I think, to receive a Compensation, and to be relieved from a Burthen which they have imposed on themselves to accommodate the Public, by taking other Ground for the Scite of their Hall Library and Chambers, at a very high Rent, and paying Tip-staves to attend the several Courts, with which they have nothing to do except as Owners of the Soil on which those Courts stand. The Records and Documents in the several Offices there, I believe, are generally in good Order; but the Buildings are not well adapted in general to the Purposes for which they are designed; several of the Rooms, and all in the Basement Story, are, I understand, very damp; and indeed the whole Building ought to be secured from Inundation, and the constant oozing of the Banks of the River, to which it is liable. I believe this to be practicable, though at considerable Expence. I think the Building intended for Public Use ought to be immediately completed, and I feel the greatest Anxiety for the Adoption of this Measure, because in the discharge of my Duty as Chancellor, I have found that for want of proper Public Offices many important Documents have been lost, or remain in Private Hands, either neglected or made the source of precarious but unjust Profit; so that the Court of Chancery has not in its power any of those Documents which ought to be in the Hands of its Officers, and which, in many Instances, I have found would have been important to its Decisions.

I also think it would be highly proper to procure for the Public a considerable Portion of the adjoining Ground, not merely for the Erection of new Offices, but to secure those already erected; and although the Expence may be considerable, yet I think it will be compensated by the removal of Buildings which may be deemed Nuisances to the Public Buildings; and by the Convenience of assembling round the Courts the Practisers and Officers who would probably reside in the Neighbourhood if they could procure wholesome and convenient Houses there.

But many Public Offices have not come in any Manner under my View; and I learn their Situation only by Report: According to report they require careful and serious Investigation; I therefore strongly recommend the Adoption of a Commission, similar to the Commission issued in England, for executing the Measures recommended by the House of Commons, respecting the Public Records of Great Britain; either by extending that Commission to Ireland, by establishing a subordinate Commission, or by issuing an Original Commission wholly distinct and confined to Ireland; one Part of the Objects of the Commission now subsisting for Great Britain could only be executed for Ireland in Ireland; but other Objects of that Commission, I think, would be more easily attained, and with more general Benefit, through the Medium of a Commission under the Great Seal of the United Kingdom, having for its Object the Public Muniments of the whole Kingdom, as the Muniments of one Empire; and with that View it appears to me that a subordinate Commission for Ireland would be the necessary, and the most advantageous Measure for obtaining that Information upon which the General Commission might act with respect to Ireland, as well as the best Method of procuring that Reform in the Management of Records and Public Documents, which their present Condition in Ireland, I apprehend, requires.

If the Measures of a General Commission for the whole Kingdom, and a subordinate Commission for Ireland, should be thought fit to be adopted, I apprehend it will be necessary for your Excellency, or your Successor, to lay the Matter before His Majesty's confidential Ministers, that they may advise His Majesty thereupon; or that the Matter should be brought before the Parliament; and the Commissions which I propose, if adopted, might be founded on such Resolutions as the House of Commons, or both Houses of Parliament, might think fit to frame and carry into Execution, by Address to His Majesty; (as was done in the Case of the subsisting Commission for Great Britain, which issued in pursuance, I apprehend, of an Address of the House of Commons;) or by such other Measures as their Wisdom might suggest.

If, during my stay in this Country, I can be of any use to your Excellency or your Successor, either in attending an Inspection of the Records, or in any other Manner, with a View to attain that Order and Arrangement which are necessary to their Use, and that Care which is necessary to their Preservation, I shall be very ready to give my Assistance; but I apprehend nothing effectual can be done without the Aid of Authority specifically applied to the Subject, by a Royal Commission, and indeed without the Aid of Parliament.

I have, &c.

(Signed) REDESDALE.

To his Excellency
The Earl of Hardwicke,
&c. &c. &c.

Appendix (Z. 1.)

Commission for the Arrangement of the Public Records in Ireland.

GEORGE *R.*

GEORGE THE THIRD, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and so forth.

To Our right trusty and well-beloved Councillor Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Our right trusty and right entirely beloved Councillor Euseby, Archbishop of Dublin; and Our right trusty and well-beloved Councillors John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland, and the Persons severally holding the said Offices for the Time being; Our right trusty and right well-beloved Cousin John Chambre, Earl of Meath; Our right trusty and right well-beloved Cousin Francis William Earl of Charlemont; Our right trusty and right well-beloved Cousin and Councillor Lawrence Earl of Rosse; the Right Reverend Father in God Our right trusty and well-beloved Councillor Charles Bishop of Kildare; Our right trusty and well-beloved Councillor Patrick Duigenan, Doctor of Laws; and Our trusty and well-beloved George Hall, Doctor in Divinity, Provost of Trinity College, Dublin.

APPENDIX, (Z 1.) Commission for Ireland.

WHEREAS Our most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, having taken into their Consideration the State of the Public Records of Ireland, and the Necessity of providing for the better Arrangement, Preservation, and more convenient Use of the same, have humbly laid before Us the Report and Observations on the Public Records in the Year One thousand eight hundred and six; and also humbly represented unto Us, that in some of the Repositories in that Part of the United Kingdom the Public Records are preserved with Order and Regularity, but that in others they are wholly unarranged, undescribed, and unascertained; that some of them are exposed to Erasure, Alteration, and Embezzlement, and that others are lodged in Places where they are suffering from Damp, or incurring a continued Risk of Destruction by Fire; that some of the Buildings allotted to these Uses, particularly the House in which the Records of the late Parliament of Ireland are deposited, are in a State so incommodious and insecure, as to require immediate Attention; and humbly besought Us, that We would be graciously pleased to give such Directions as We, in Our Wisdom, should think fit, for the better Preservation, Arrangement, or more convenient Use of the Public Records in Ireland; and that whatever extraordinary Expences may be incurred by the Directions which We in Our Wisdom shall think fit to give on this Occasion, shall be cheerfully provided for, and made good by Our faithful Commons;

We, considering the Premises, and earnestly desiring to provide for the better Preservation, Arrangement, and more convenient Use of the said Records, are graciously pleased to condescend to the Request of Our faithful Commons:

Know ye therefore, that We, of Our special Grace, certain Knowledge, and mere Motion, by and with the Advice and Consent of Our right trusty and right entirely beloved Cousin and Councillor Charles Duke of Richmond, Our Lieutenant General and General Governor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland, and according to the Tenor and Effect of Our Letter, and Our Privy Signet and Royal Sign Manual, bearing Date at Our Court at Saint James's, the Eighteenth Day of July One thousand eight hundred and ten, in the Fiftieth Year of Our Reign, and now enrolled in the Rolls of Our High Court of Chancery of Ireland;—

Have made, constituted, ordained, and appointed, and by these Presents do make, constitute, ordain, and appoint you the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; Our right trusty and well-beloved Councillor John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being; Our right trusty and right well-beloved Cousin John Chambre,

APPENDIX, (Z. 1.)

Commission for Ireland.

Earl of Meath, and right trusty and right well-beloved Francis William Earl of Charlemont; Our right trusty and right well-beloved Cousin and Councillor Lawrence Earl of Rosse; the right Reverend Father in God Charles Bishop of Kildare; Our trusty and well-beloved Patrick Duigenan, Doctor of Laws; and Our trusty and well-beloved George Hall, Doctor in Divinity, Provost of Trinity College, Dublin; or any Three or more of you: Whereof some one of you the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being, is to be one, to make a diligent and particular Inquiry into the several Matters which Our faithful Commons have as aforesaid represented as fitting to be provided for, by Our Royal Authority, giving and granting unto you, Our said Commissioners, or any Three or more of you, whereof some one of you the said Thomas Manners Baron Manners, Our Chancellor of that Part of the United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being, is to be one, full Power and Authority to cause all and singular the Officers, Clerks, and Ministers, of the Offices and Repositories respectively, wherein such Records are deposited, to bring and produce upon Oath before you the said Commissioners, or any Three or more of you, whereof some one of you the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of the Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer, and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland, and the Persons severally holding the said Offices for the Time being, is to be one, all and singular Rolls, Records, Books, and Papers, or other Writings belonging to the said Offices and Repositories, or any of them, and which shall be in the Custody of such Officers, Clerks, and Ministers, or any of them respectively.

And Our further Will and Pleasure is, That you Our said Commissioners, or any Three or more of you, whereof some One or more of you, the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being, is to be one, upon due Examination of the Premises, shall cause such Matters to be duly and speedily executed, as you shall judge fitting and proper to be done for the more effectual Execution of the several Measures recommended as aforesaid by Our faithful Commons.

And to the End that Our Royal Will and Pleasure in the Premises may be executed with the greater Regularity and Expedition, We do by these Presents, by and with the Advice and Consent aforesaid, give full Power and Authority to you Our said Commissioners, or any Three or more of you, whereof some One of you, the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdon of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being, is to be one, to nominate and appoint from Time to Time such Person of Ability, Care, and Diligence, as you shall think fit, to be and act as your Clerk or Secretary, for the Purpose of aiding you in the Execution of these Presents; and also to nominate and appoint such several Persons of Ability, Care, and Diligence, as you may think fit to be Sub-Commissioners, to be employed under the Directions and Controul of you the said Commissioners in the Premises; and more especially to methodize, regulate, and digest the Records, Rolls, Instruments, Books, and Papers in any of Our Public Offices and Repositories; and to cause such of Our said Records, Rolls, Instruments, Books, and Papers as are decayed, and in Danger of being destroyed, to be bound and secured; and to make exact Calendars and Indexes thereof, and to superintend the printing of such Calendars and Indexes, and Original Records and Papers, as you the said Commissioners shall cause to be printed; which said Clerk or Secretary, and

Sub-

Sub-Commissioners, and every of them, shall and may be removed by you the said Commissioners, or any Three or more of you, whereof some One of you, the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland, and the Persons severally holding the said Offices for the Time being, is to be one, from Time to Time, at the Will and Pleasure of you Our said Commissioners, full Power and Authority being by these Presents given to you to appoint others in their Places respectively.

And We do ordain and appoint, That you Our said Commissioners, or any Three or more of you, whereof some one of you the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being, is to be one, shall from Time to Time certify under your Hands and Seals, unto the Commissioners of Our Treasury of Ireland for the Time being, what shall be a fit and suitable Recompence to the above mentioned Clerk, or Secretary, and Sub-Commissioners respectively, for their Pains and Services in the Execution of the Duties hereby required to be by them performed; which said Recompence, it is Our Will and Pleasure, shall be thereupon paid to them respectively and accordingly.

And We do ordain and appoint, That you Our said Commissioners, or any Three or more of you, whereof some one of you, the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being, is to be one, do and shall on or before the Twenty-fifth Day of March in the Year of Our Lord One thousand eight hundred and eleven, and so from Year to Year on or before the Twenty-fifth Day of March in each Year respectively, so long as said Commission shall continue in force, certify unto Us in Our Privy Council, under your Hands and Seals respectively, all and every the Proceedings of yourselves and of the said Sub-Commissioners, had by virtue of this Our said Commission; together with all such other Matters (if any) as may be deserving of Our Royal Consideration, touching or concerning the Premises; and what further Measures (if any) the said Commissioners shall think fit to propose thereupon.

And lastly, We do ordain, That Our said Commission shall continue in full force and virtue, and you Our said Commissioners, or any Three or more of you, whereof some one of you, the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being, is to be one, shall and may, from Time to Time, and at any Place or Places, proceed in the Execution thereof, and of every Matter and Thing therein contained, although the same be not continued from Time to Time by Adjournments.

Provided always, That these Our Letters Patent be inrolled in the Rolls of Our High Court of Chancery, in that Part of Our United Kingdom of Great Britain and Ireland called Ireland, within the Space of Six Months next ensuing the Date of these Presents.

In Witness whereof, We have caused these Our Letters to be made Patent. Witness Our aforesaid Lieutenant General and Governor General of Ireland, at Dublin, the Thirtieth Day of August, in the Fiftieth Year of Our Reign.

WESTMEATH.

Inrolled in the Office of the Rolls of His Majesty's High Court of Chancery in Ireland, the First Day of September, in the Fiftieth Year of the Reign of King George the Third, and examined by

RICHARD HETHERINGTON,
Deputy Keeper of the Rolls.

Appendix (Z. 2.)

First Report of the Commissioners of Public Records in Ireland, 1811.

To the King's Moſt Excellent Majesty in Council.

APPENDIX, (Z. 2.)

Report of Irish Record Commissioners, 1811.

WE, the Commissioners, constituted and appointed by Your Majesty's Royal Commission, bearing Date the Thirtieth Day of August One thousand eight hundred and ten, for carrying into Execution the Measures recommended in the humble Address of the House of Commons to Your Majesty, with respect to the State of Public Records of Ireland, and the Necessity of providing for the better Arrangement, Preservation, and more convenient Use of the same: Whereby We, the said Commissioners, are authorized and empowered, to nominate and appoint, from Time to Time, Persons of Ability and Diligence to act as Secretary and as Sub-Commissioners, to be employed to methodize, regulate, and digest the Records, Rolls, Instruments, Books, and Papers in any of Your Majesty's Public Offices; and to cause such of the said Records, as were decayed and in Danger of being destroyed, to be bound and secured; and to make exact Calendars and Indexes thereof; and to superintend the printing of such Calendars and Indexes and original Records and Papers as should be ordered to be printed: And to certify unto the Commissioners of Your Majesty's Treasury, for the Time being, what would be a fit and suitable Recompence to such Secretary and Sub-Commissioners respectively, for their Pains and Services in the Execution of the Duties required to be by them performed; and further requiring, that the said Commissioners, or any Three or more of them, should on or before the Twenty-fifth Day of March in every Year, during the Continuance of the said Commission, certify to Your Majesty's Privy Council in the Manner therein directed, all and every of the several Proceedings of themselves and the said Sub-Commissioners, had by virtue of the said Commission, together with such other Matters, if any, as might be deserving of Your Majesty's Royal Consideration, touching or concerning the Premises:

Do most humbly beg Leave to certify to Your Majesty, that in pursuance of the Powers vested in us by Your Majesty's said Commission, we assembled on the Eleventh Day of September last, at the Office of the Right Honourable the Chief Secretary to the Lord Lieutenant, and opened the said Commission, and appointed William Shaw Mason, of the First Fruits Office, Esquire, to act as Secretary under the said Commission; after which the Report and Observations on the Public Records of Ireland, made to the English Record Commissioners, by Messrs. Tomlins and Illingworth, in the Year 1806; and also the Lord Redesdale's Letter to the Earl of Hardwicke, dated the 3d of March 1806, on the Records of Ireland; and also a List of the Public Repositories in Ireland, containing Records, Books, and Papers prepared by the Secretary, were severally read and taken into Consideration; whereupon, after due Deliberation, the following Order was made by the said Commissioners:

That the Secretary do forthwith prepare Queries, similar to those directed by the Select Committee of the English House of Commons in the Year 1800, and do transmit same to the several Officers of Record Repositories in Ireland, requesting from each of them separate and distinct Answers to such Queries; and that in framing same a due Regard be had to the following Points:

1st. The State of the Building in which Records, &c. are contained, as to Security and Accommodation.

2d. The Degree in which the Catalogues, Calendars, and Indexes are complete.

3d. The Number, Duties, and Remuneration of the Officers.

And that the Secretary, on obtaining the proper Answers to such Queries, report same, with any Observations that might occur to him, connected with the Subject, to the Board, at their next Meeting.

And at a subsequent Meeting of the said Commissioners on the Eighteenth Day of February last, at which a Report, dated First February One thousand eight hundred and eleven, made by the Secretary pursuant to the said Order of the Eleventh Day of September last, with an Appendix, containing the Forms of the several Sets of Queries, transmitted to Officers of Record Repositories, pursuant to said Order; as also another Appendix, containing Returns made from many of said Repositories, was read and taken into Consideration; and after due Deliberation the following Orders were thereupon made by the said Commissioners:

That the said Report of our said Secretary, together with the several Appendixes thereto, be printed.

That the Secretary do write to the Board of Works, requesting them to direct their Architect or Inspector of Civil Buildings, to examine into the State of Buildings adjoining the Courts of Justice, allotted for the Preservation of the Public Records; as also the Security and Convenience thereof; and also to enquire and report, whether there be any Building already formed suitable to the intended Purpose; and if not, to prepare Plans of such additional

ditional Buildings, at the Rere of the Four Courts, as may appear neceſſary for the more convenient Use and better Preservation of said Records; and that in framing said Plan, particular Attention be paid to secure the Records from the Hazard of Fire or Damp; and also that their said Officer do, after communicating with our Secretary thereon, report same to this Board forthwith.

That William Warburton of the Tower, and William Betham of the Office of Arms, Esquires, be Sub-Commissioners under this Board, for the Purpose of arranging and methodizing the several Records, Rolls, Books, and Papers in Bermingham Tower, or belonging thereto; in making proper Indexes to the same; and also in preparing a general Catalogue or Repertory thereof; and that our said Secretary be joined with the said William Warburton and William Betham in said Commission, for the Purpose of conferring with them in all Proceedings to be adopted under this Order.

That James Rafferty and Theobald Richard O'Flaherty Esquires, be Sub-Commissioners under this Board, for the Purpose of arranging and methodizing the several Records, Rolls, Books, and Papers in the Parliament Office, or belonging thereto; in making proper Indexes to the same; and also in preparing a General Catalogue or Repertory thereof: And that our said Secretary be joined with the said James Rafferty and Theobald Richard O'Flaherty in the said Commission, for the Purpose of conferring with them in all Proceedings to be adopted under this Order.

That Richard Nash Esquire, Inrolling Clerk in the Rolls Office, together with James Mayne and Francis Nash Gentlemen, be Sub-Commissioners under this Board, for arranging, methodizing, and indexing all Records, Rolls, Inquisitions, Instruments, Books, and Papers in said Office, or belonging thereto; and in preparing a General Catalogue or Repertory thereof: And that our said Secretary be joined with the said Richard Nash, James Mayne and Francis Nash, in said Commission, for the Purpose of conferring with them, in all Proceedings to be adopted under this Order.

That William Nash of the Rolls Office, Esquire, and Mr. Tierney of the same Office, be Sub-Commissioners under this Board, for arranging, methodizing, and indexing all the Records, Rolls, Instruments, Books, and Papers in the Chief Remembrancer's Office, or belonging thereto; and in preparing a General Catalogue or Repertory thereof: And that our said Secretary be joined with the said William Nash and Mr. Tierney, for the Purpose of conferring with them, in all Proceedings to be adopted under this Order.

That Mr. Henry Harding, Clerk of the Records in the Auditor General's Office, together with John Fowler Gentleman, be Sub-Commissioners under this Board, for arranging and methodizing, as well the several Records, Rolls, Books, and Papers belonging to the Auditor General's Office, and now in the Dome of the Four Courts; as also such Rolls, Books, and Papers, as are in the said Office, in the lower Castle Yard; and that General Catalogues, as well as particular Indexes, be prepared therein: And that our said Secretary be joined in said Commission with the said Henry Harding and John Fowler, for the Purpose of conferring with them, in all Proceedings to be adopted under this Order.

That the several Sub-Commissioners appointed, or to be appointed under this Board, do on the First Day of every Month, from the Date of their Appointments, make a Return to the Secretary of the Measures taken, and the Work executed by them, under the Order of the Board; and the Secretary is hereby directed thereupon to inspect such executed Work, and at the End of Three Months from the Twenty-fifth of March next, and so on every Three Months, to make a Report thereon to this Board, on their next following Meetings.

That the Secretary do write to the Chief Secretary to the Lord Lieutenant in the Name of this Board, requesting him to give Directions to the Keeper of the State Papers, to consider and report to this Board, what Means can be taken to complete the Objects pointed out in the several Patents respecting a State Paper Office; and that in the mean Time his Deputy do give a Description of such Books as are referred to in Mr. Laba's Letter of the Twenty-fourth December One thousand eight hundred and ten.

That the Secretary do write to the Chief Secretary to the Lord Lieutenant, in the Name of this Board, requesting him to hand over to the Secretary to this Commission for the Time being, the several Manuscript Books compiled by the late John Lodge, now in the Office of the Under Secretary for the Civil Department, for the Purpose of Reference, Transcript, or Printing, as this Board shall think proper to direct.

That a complete and authentic Edition of the Statutes and Ordinances of Ireland be prepared and printed; including every Law, as well those repealed or expired as those now in force; with a Chronological List of them, and Tables of the principal Matters: and that for the Purpose of ascertaining and preserving a Memorial of the correct

APPENDIX, (Z. 2.)

Report of Irish Record Commissioners, 1811.

correct and entire Text of the Statute Law of Ireland, Copies be distributed throughout the United Kingdom for Custody and Public Inspection, in such Manner as shall be determined on hereafter by this Board.

It being represented to the Board that William Ball, Bartholomew Thomas Duhigg, Edward Lawson, and Henry Mason, Esquires, Barristers at Law, have severally bestowed their Thoughts on this Subject, and are fit and competent Persons to execute different Parts of this Work; It is ordered, that the said several Persons be appointed Sub-Commissioners under this Board, for carrying this Work into Effect; and that the Secretary to the Board do confer with them, from Time to Time, upon the best Mode of proceeding; and report to this Board at their next Meeting, what Progress shall be made therein.

That the Secretary be empowered to hire a proper Apartment, and fit up same as an Office, with Desks, Tables, and other Conveniencies for the Meeting of the Sub-Commissioners, and the other Purposes of this Commission: Provided that the Rent and other annual Expences of same do not exceed a Sum of Fifty-six Pounds Seventeen Shillings and Sixpence; and that he shall be authorized to employ a proper Person to act as Messenger to this Board and in the said Office, at a Salary of Twenty-two Pounds Fifteen Shillings per Annum.

That our said Secretary do proceed to call on the Officers or Keepers of the several Record Repositories and other Persons, to whom Queries have been transmitted under the Order of the Board of the Eleventh of September last, and who have not made Returns or Answers as required by said Order, to prepare and send in such Returns or Answers on or before the Twenty-fifth Day of March next; and in Default thereof, that the Secretary do report the Names of such Officers, &c. for the Purpose of adopting further Measures with respect to such Defaulters. And on the Whole of such Returns being made, that the Secretary do make a further Report thereon to this Board, arranged under the Head of Buildings, Catalogues, &c. Duties, &c. of Officers, Transfers, &c. and Selections for printing.

And We beg Leave most humbly to state to Your Majesty, that in pursuance of the said several recent Orders, Progress is generally making by all the Sub-Commissioners; and that a particular Report of Progress has been made by the Sub-Commissioners upon the Statutes, which is hereunto annexed; and that at the present Time we have not any other Matters to offer to Your Majesty's Royal Consideration, touching or concerning the Premises, or any further Measures to propose thereupon.

All which is most humbly submitted to Your Majesty's Royal Consideration.

MANNERS, C. (L.S.)
WILLIAM DOWNES. (L.S.)
CHARLES KILDARE. (L.S.)
PAT^{K} DUIGENAN. (L.S.)
GEO. HALL. (L.S.)

Dublin, 18th March 1811.
Entered on the Minutes,
W. S. MASON, Secretary.

Report of Progress by the Sub-Commissioners on the Statutes referred to in the preceding Report of the Commissioners.

IN Obedience to the Order of the Eighteenth of February last, requiring a Report at the next Meeting of the Commissioners of Irish Records, of such Progress as should be made by the Sub-Commissioners appointed to prepare and publish a complete and authentic Edition of the Irish Statutes and Ordinances, we have the Honour to submit the following Report, which, although unavoidably imperfect, may at least evince our Solicitude for the prompt and punctual Discharge of the important Trust reposed in us.

Our primary Attention was naturally directed to form a suitable Plan for regulating our future Operations; but after revolving various Suggestions for that Purpose, it seemed adviseable to postpone the absolute Adoption of any, until an Answer can be obtained from the English Statute Sub-Commissioners, to a Request which has been transmitted to them at our Instance, for particular Details of the Steps which they have pursued, and of such further Measures as their Experience may induce them to recommend.

This short Delay appeared indispensable, to preserve throughout the printed Statutes of the whole Empire that Uniformity, which ought not to be departed from, unless some Part of the English Plan should be found inexpedient, or some material Improvement should occur.

A similar

A similar Application has been made for so much of the new Edition of the English Statutes as has been published, to enable us to ascertain whether that Portion contains any Statutes applicable to this Country, that admit of ulterior Correction by the Help of Records, which (on account of the deranged Condition of some of our Public Repositories) may have escaped the Diligence of the English Sub-Commissioners.

Such Statutes preceding the Tenth of Henry the Seventh, as they have collated with the most authentic Records, it would perhaps be superfluous to collate over again; and it might possibly suffice to reprint from their Text, in the proposed Edition of the Irish Statutes, such of the English Statutes antecedent to that Period, as are not wholly excluded by their Scope and Subject Matter from any possible Application to this Country. Upon these Points, however, we are desirous of precise Instructions, and submit to the Determination of the Board, whether and how far we ought to collate anew the Statutes prior to Poyning's Law, which have been published under the English Record Commission; and how much of them ought to be incorporated in the meditated Edition of the Irish Statutes.

Awaiting further Information on the above Heads, but anxious that no intermediate Time should be lost, we have applied for unbound Sets of the last Edition of the Statutes and Journals of the Irish Parliament, to facilitate the Collation of the Statutes by Portions, with the original Rolls, which cannot be removed; and to ascertain and supply as far as possible whatever Chasm may occur in them, by referring to the Journals.

Solicitous to proceed immediately to collate the printed Statutes with the Originals, and resort in the first Instance to the Rolls of Parliament as the most direct and authentic Documents, previous to investigating any secondary Evidence, we have made every practicable Enquiry and Exertion respecting the several Record Repositories; but found all those which contain the earliest Records in such a State, that our attempting to transact Business in them at present, would only embarrass the Persons who are actually employed in sorting the Records.

The Office of Parliamentary Records (which contains the principal Mass of Original Statutes) being however so crowded with Piles of Boxes, Books and Papers, that there is no room even for any Attempt to clean or arrange them, we have collated a Number of the later Statutes deposited there which were the most readily accessible, and have detected so many Inaccuracies in the printed Text, as make it less to be regretted that several Volumes of the last Edition are wholly out of Print; so that a complete Set is now hard to be procured.

Purposing to proceed on the latest Statutes until the early Records shall be somewhat arranged, we beg Leave to conclude with an Observation not so strictly relevant to our particular Department as it is important in a more extended View; namely, that the Writing of the very last Irish Statutes, though engrossed in a large and massy Hand, is already much impaired in many Places, owing to the Quality of the Ink and the Manner in which they are made up.

William Ball.
B. T. Dubigg.
Edward Lawson.
Henry J. Mason.

11th Day of March 1811.

Appendix (Z. 3.)

Extracts from the Second Report of the Commissioners of Public Records in Ireland.

Appendix. (Z. 3.)

Extracts from the Second Report: Ireland.

EXTRACTS from the SECOND REPORT of The Commissioners of Public Records in Ireland, dated 16th March 1812, under the following Heads: viz. I. PARLIAMENTARY RECORDS; II. ROLLS OFFICE; III. EXCHEQUER; IV. STATE PAPERS; V. SEARCHES FOR CHARTERS, &c. VI. PARISH REGISTERS; VII. GENERAL REGISTRY; VIII. CATALOGUES, CALENDARS, AND INDEXES.

I. PARLIAMENTARY RECORDS.

The general Arrangement of the Records, Books, and Papers in this Repository, which presented a great Mass of Confusion and Disorder, has been proceeded on; and the MS. Lords and Commons Journals, the printed Statutes, with some thousands of various Public Documents, consisting of Copies of Cases and Appeals, Writs of Error, Private Bills, and Acts of Parliament, Petitions of Claims of Peerage, &c. have been arranged in Bundles, and the Original Rolls of Public and Private Statutes placed in chronological Order in Boxes, which are numerically arranged; as are the Paper Copies of Bills and Transmissions of Public Acts; and a rough Schedule has been formed of the same.

STATUTES AND ORDINANCES OF IRELAND.—The Collation of the Printed Statutes with the Original Rolls, commencing Charles First, in the Parliamentary Record Office, has been nearly completed; and Materials towards forming the First Volume, consisting of some hundreds of ancient Statutes, all previous to the 10th Henry VII., have been collected, transcribed, and translated.

II. ROLLS OFFICE.

Upwards of 2,500 Transmisses of Acts of Parliament, commencing in the Reign of Henry VIII. and ending 40th George III., were collected from all Parts of the Record Room, arranged in Bundles chronologically, and placed in Presses. Several hundred Decrees were in like Manner collected and arranged; and during the Winter Months a Repertory thereto has been commenced by Messrs. M. and F. N., and 165 Pages formed thereof.

In the Course of the Summer they likewise sorted and arranged upwards of an hundred thousand Records of various Descriptions, consisting of Fiants, King's Letters, Orders of Council, Letters of Guardianship, Powers of Attorney, Bankrupts Deeds, Qualification Rolls, and a Variety of other Public Documents, which lay scattered through the Gallery of the Record Room in considerable Disorder, and quite inaccessible to the Public, comprizing a Period of near 300 Years.

A general Arrangement has also been made of the Inquisitions Post Mortem, a most important Lot of Records, represented by the English Sub-Commissioners to be in "a State entirely confused and irregular, and fast approaching to Decay." These have been collected and sorted into Counties and Kings Reigns, and a General Repertory thereto commenced.

III. EXCHEQUER.

CHIEF REMEMBRANCER'S OFFICE.—The Arrangement in chronological Order of all the Rolls in the Office, consisting of the Memoranda Rolls, commencing Edward I., Rolls of Decrees of Innocents, Certificates of Adventurers, Soldiers, &c. under the Act of Settlement, was completed during the Summer Months.

During the same Period, an Arrangement of the Inquisitions into Counties chronologically was found, and each Inquisition examined with the Books of Reference now in the Office, and all Rolls endorsed and Bundles labeled, so as to be rendered accessible to the Public.

AUDITOR GENERAL'S OFFICE.—During the Summer Months about Two Thirds of a vast Collection of Public Documents belonging to this Office, consisting of several thousand Rolls of Public Accounts, Vice Treasurer's Pells, Vice Chamberlain's, &c. Books, which had been placed in the Dome of the Four Courts, have been completely arranged, convenient for Reference, and preparatory to forming a general Inventory of its Contents. Latterly Indices Nominum et Rerum to the Books of Patents, Kings Letters, &c. have been commenced.

SURVEYOR

Surveyor General's Office.—Under the Order of the Board a General Inventory has been formed of the Books of Maps preserved in this Office; and a Report thereon, as well as on the Arrangement, Condition, and Security of those Documents, has been made to the Board.

IV. STATE PAPERS.

Rymer, &c.—The Secretary then stated, that he had, under the Direction of the Lord Chancellor, taken every Opportunity to promote the Objects of Researches in Dublin, respecting Collections for a new Edition of Rymer's Fœdera, by Doctor Adam Clarke, one of the English Sub-Commissioners, who had been sent here for that Purpose, when it was suggested, that special Instructions should be given to the Sub-Commissioners on that Head; whereupon the Board ordered, that the several Sub-Commissioners acting under the Board should be instructed to specify particularly in their Monthly Returns all State Papers, &c. similar to those contained in Rymer's Fœdera, which they might happen to meet with in the Course of their Researches in the several Record Repositories; and in like Manner, an Account of all Statutes prior to the 10th of Henry the Seventh.

V. SEARCHES FOR CHARTERS, &c. THROUGHOUT THE DIFFERENT PUBLIC REPOSITORIES OF RECORDS IN IRELAND.

The Secretary stated that he had proceeded, pursuant to Order, to call on the Officers or Keepers of the several Record Repositories, for Returns to the Queries transmitted to them in the latter End of last Year, in consequence of which many of those Returns had been made, but that several of them were still outstanding, as appeared by a List then laid before the Board, which precluded his reporting thereon, pursuant to the Order of 18th February last, and that previous to his making such Report, it would be necessary to inspect some of those Repositories, and particularly the Diocesan Registries, and the Offices of the Clerks of the Peace; whereupon the Board ordered, that the Secretary should summon to appear before this Board, upon their next Day of Meeting, all such Officers, &c. of Record Repositories as had neglected to make Returns to the Queries transmitted under the Order of the 11th September preceding, and to account personally for their Neglect in making such Returns, pursuant to said Order; and that previous to making a Second Report, the Secretary should be authorized and empowered to inspect personally all such Record Repositories in Ireland as might be deemed necessary, taking with him on such Occasion any One or Two of the Sub-Commissioners acting under this Board; and that in the Course of their Inspection and Enquiries their Attention should be particularly directed to ancient Charters, Statutes, and State Papers, and such other Public Documents as are to be found at Kilkenny, Waterford, and Lismore.

VI. PARISH REGISTERS.

With respect to Parochial Registers, the Board are so strongly impressed with the public Importance of their regular Returns and Transmission to some secure Repository, and of their careful Arrangement and Preservation therein, as well as with the long experienced Inefficacy of the Law, as it now stands, to attain those Objects, that they feel themselves emboldened most humbly to submit to Your Royal Highness's Consideration, whether it may not be expedient that the Provisions of a Bill, now under the Consideration of the Legislature, for the better Regulation and Preservation of Parish and other Registers of Births, Baptisms, Marriages, and Burials, for establishing general Repositories for all such Registries in England, should, if approved of for that Part of the United Kingdom, be extended also to Ireland, where some legislative Provision for the like Purpose is certainly very much wanted.

VII. GENERAL REGISTRY.

At a Meeting of the Commissioners, 31 July 1811; A Report, dated the 23d Day of July Instant, from the Sub-Commissioners appointed on the Registry Office, made pursuant to an Order of the 16th of March last, was also read, and ordered to be taken into further Consideration: A Copy of this Report we likewise beg Leave to lay before Your Royal Highness, in the Appendix, as containing some useful Information upon the Structure and Operations of a System, the legislative Establishment of which throughout Ireland has been attended with the most beneficial Effects, and suggesting some necessary Arrangements, not only for correcting Abuses, but for improving the original Plan, which, "however matured by the Experience of a Century, and the repeated "Efforts of Legislative Wisdom," may yet require its further Interposition.

The Inrolments and Registry of Deeds and Wills to perpetuate Evidence of Titles, and render notorious all Transfers and Incumbrances of Landed Property, was practised Centuries ago, both in Great Britain and on the Continent; but a Tract of Sir Matthew Hale seems to have produced the English Acts of Second and Fifth of Anne, from whence ours are chiefly copied, perhaps with improved Precision.

For many Years after the Establishment of our Registry Office, the Number of Memorials was comparatively small. The intrinsic Utility of the Plan, and the growing Prosperity of the Country, have augmented their Number with such progressive Rapidity, as seems abundantly to compensate for the great Reduction in the Value of

APPENDIX, (Z. 3.)

Extracts from the Second Report: Ireland.

of Money, insomuch, that although the Fees for Searches and Entries there continue (nominally at least) at their original Amount, the Net Profits of the Office appear substantially augmented, (half the entire Number of Memorials having been filed within the last Twenty Years).

The Portfolios lie horizontally between Shelves, numbered correspondently. The Memorials in general contain the essential Requisites prescribed; and nearly as much Care seems to be taken of their Preservation as the frequent Recurrence to them will permit; but it might possibly conduce to their Security, if Doors were annexed to all the Presses containing Memorials above Thirty Years old; and if, instead of the Register's Clerk (whose Attention is distracted by a Multiplicity of Searches, and who is hardly responsible,) a sworn Officer, bound by sufficient Bail, were to remain constantly in charge of the original Memorials, continue with them during Office Hours, and deliver them out for Trials only upon proper Dockets from the Deputy Register. The Danger of committing to the same Clerk the Originals, Transcripts, and Catalogues is obvious; and (besides the Loss of many original Memorials) Mr. Moore has frankly declared his Suspicions, that One of Two Memorials dated in 1793 is spurious. To guard against future Interpolations, he has this Year begun a numerical Inventory of the Memorials, to enable him (in the Mercantile Phrase) to take periodical Accounts of Stock; but though proper Duplicates of Memorial Books would cost somewhat more, they would not only serve to detect Frauds, but to supply Passages decayed, mutilated, or erased.

To all the original Memorials and the Transcript Books there are Indexes, of the same Material, Size, Shape, and Binding as those Books; one Series of these Indexes is for Lands and Premises, alphabetically arranged in one or more Volumes for each County (Three for the City of Dublin, commencing at different Periods). This Plan is simple, and in general satisfactory; the Names of the Town Land, Square, Street, &c. forming One Column, the Baronies a Second, the Parishes a Third; the next Space contains the Parties Names and Additions, a short Description of the Premises, &c.; and the Three succeeding Columns include the Number and Page of the Transcript Book, and the Number of the original Memorial.

The English Local Registry Acts do not apparently prescribe any Index of Parties Names; and the Irish Statutes are not explicit as to its Form. Hence the Parchment Folios of Names, up to 1785, contain only the Grantor's or Testator's Names, merely arranged under their Initials (as the Memorials come in), followed by those of the Grantees, and the Reference, without any Addition of Degree, or Place, Denominations, Date, or Nature of the Instrument. Thus the Name sought was often overlooked in tracing down several Thousands, and when found, had nothing discriminative attached to it.

As a new Register Office is already almost indispensable, we shall conclude with briefly suggesting some Particulars, which appear to us material for its Construction and Arrangement. To guard against malicious Mischief, the Light should only be admitted through the upper Part of the Building; and to provide the utmost Space for arranging the Books distinctly, it should be surrounded internally with projecting Partitions, having Shelves on both Sides, lettered and numbered (as in great Public Libraries), to obviate the extreme Inconvenience of too long a numerical Series. The Books (especially Indexes) to have Two Inches clear Margin, and Three at the Bottom; and the Parchment to be good, and dressed on both Sides. The Land Index to contain a Column for the next Town, and the Number of every Town House; and the Index of Names to contain Columns for the County, Barony, Date, and Nature of the Instrument. Affidavits accompanying Memorials, to specify which are the Two or Three chief Denominations, and their computed Distance from the next Town (naming it); but the Transcript Books to be no longer swelled with Copies of the Affidavits, and common Covenants at Length.

In a commercial Country it is essential that Land should be easily negotiable, to prevent its being monopolized, and render it instrumental to trading Enterprize. All Transfers or Incumbrances of Land should therefore be notorious, that the opulent may lend or purchase secure from Fraud, and the indigent mortgage or sell unoppressed by Exactions.

It might considerably diminish the Trouble and Risk attending Purchases, if registering (not only Statutes, Recognizances, and Judgments, but) all Wills, Conveyances, and Decrees affecting Lands and Premises (within a certain Time), were made essential to their Validity (at least against Third Persons); and if all Marriages, Settlements, and other Trust Deeds, and perhaps all Deeds of great Importance, were to be also deposited, or be inrolled at Length (being first duly acknowledged by the Grantors or their Attornies, before a Judge of some Court of Record or Provincial Registers, and certified by him), so that attested Copies of them should be Evidence under proper Restrictions; and that (in the Language of Lord Hale) "the Purchaser or Lender may not be as much "in the Dark as before, and cheated under the Credit of a Public Office erected to prevent it."

VIII. CATALOGUES, CALENDARS, AND INDEXES.

On Consideration being had, of the great Importance of proper Forms of Catalogues, Calendars, Indexes, &c. being adopted by the several Sets of Sub-Commissioners, in executing the Orders of the 18th February last, It was

was Ordered, That the Secretary, on obtaining Lodge's Manuscripts from the Chief Secretary's Office, should call a Meeting of one or more of each Set of Sub-Commissioners, for the Purpose of examining into the Method and Forms adopted by Mr. Lodge, and to consider how far his Books might serve as a Model for arranging and digesting all the Records of Ireland; and likewise examine into and discuss any other Plans that might be suggested by the Members of such Meeting; and, finally, to determine on such general Plans of Catalogues, Calendars, Indexes, Inventories, Registries, Repertories, or Schedules, as might afford the most complete Abstracts of, and the easiest Reference to the Contents of the several Public Record Repositories in Ireland; and that they should prepare and lay before this Board a full Report thereon, at its next Meeting.

The Board, considering the great Utility and Advantage which the Public must derive from a general Knowledge of the Contents of the several Record Repositories, by Means of classified Schedules or Inventories, which at the same Time might afford a Check or Controul over the Officers to whose Care the Custody of the Records should at any Time be admitted: It was Ordered, That the Secretary should write, in the Name of the Board, to the principal Officers of the several Courts of Justice in Ireland, requesting them respectively to prepare a classified Schedule or general Inventory of all the Records, Rolls, Books, Papers, and other Public Documents belonging to their respective Officers or Repositories, which had been committed to their Care, and were then in their Custody; the said Schedule or Inventory to be in the Nature of a Press Catalogue, describing the Contents of each Apartment, Press, and Shelves, and specifying the Title and numerical Marks affixed to each Record, &c. the same to be certified and signed, not only by the principal Deputy, or other proper Officer, but also by the Person or Persons having the actual Custody and Possession of such Records, &c. &c. as being true in all Particulars to the best of their Knowledge and Belief; and that such Schedule or Inventories, so certified as aforesaid, should be delivered to our said Secretary, who was by said Order directed thereupon to inspect and compare the same with the Contents of the several Repositories, with the Assistance of one or more Sub-Commissioners acting under the Authority of this Board, and also to cause Duplicates to be made of such Schedules or Inventories, and after certifying same on the last Page, and also by affixing his Name to every Page of such Duplicates, to return such Duplicates to the proper Officer of each Repository in which they had been made, there to remain among the Records of said Office, for the Use of such Officer and his Successors.

Previously to framing Catalogues, the Records themselves should be disposed in a secure, compact, and convenient Manner. None of those Objects is compatible with the Form of Rolls, derived from the Infancy of Writing. They admit Dust, and Air impregnated with Moisture and Acids, to decompose the Ink*; they occupy much more Room than Port-folios, and they cannot be kept in so regular a Series, nor inspected with equal Facility. The Parliament Rolls in particular often extend many Perches in Length, actually requiring a Machine to uncoil and wind them up, and to prevent their not only being trailed upon the Ground, but torn asunder by their own Weight in the Operation. In general, it appears that Records should lie horizontally between sliding Shelves; that proper Divisions of Terms, Years, or Subject Matter may lie preserved, without leaving empty Spaces; and that a Shelf of Records may be drawn out, sufficiently to examine the Marginal Marks upon each, without disturbing their Arrangement.

If the Size of the Skins were regulated according to the Nature of the Record, and none received without a Margin of One Inch at least, they might be laced in Port Folios, so that any of them could be detached when wanted as Evidence, and that every Record, consisting of many Skins, might be stitched or bound.

The Contents of each Repository being sorted in the most usual and convenient Classes, and such as are not reducible to any general Head placed in a miscellaneous Division; the Partition or Press for each Class should be distinguished by its proper Title, and also by a different capital Letter in Succession; and each Shelf or Subdivision by a small Letter alphabetically. In this Way near Five Millions of Records might be distinctly numbered without using more than Four Figures for any One; whereas in the Registry Office, great Inconvenience and Errors arise from a single Series of Numbers not amounting to Half a Million.

Each Subdivision should contain, nearly, an equal Quantity, ranged in order of Time, and be marked, not only with its small Letter, but with the Reign, Year, Term, or other Period, to assist those who might wish to search by the Date, and each Record contained, should be marked on the Left Hand or Corner with the Letters of the

* Common Ink contains, at least, Six elementary Substances, so precariously combined, that a small Quantity of one of them bestows the Blackness, which a little more Oxygen totally destroys. Sepia, used by the Ancients, [Persius, 3 Sat.], or some of the Combinations of Oils, Gums, and Lamp-black, recommended in chemical Books, would form more permanent Ink, the Basis being Carbon, which defies every Thing but Fire. The Price, however, and the Difficulty of keeping them fluid in this Climate, will prevent their Adoption, unless for Numbers, Labels, and short Entries, much exposed to Air and Rubbing, in which they might be used advantageously with the Reed Pens employed in Drawing, to make the Writing massy. In the First Report on Public Records in England, (p. 496 to 502), the Sub-Commissioners to whom it was referred, appear almost unanimous in their Disapprobation of the Form of Rolls; and Mr. Astle states, as an Instance of the superior Durability resulting from the Form above recommended, that the Domesday Books, which are above Seven hundred Years old, are still in admirable Preservation.

Appendix, (Z. 3.)

Extracts from the Second Report: Ireland.

Class * and Subdivision, and its own Number, that, if misplaced, it may be readily reinstated, that the Reference to it may be as short as possible, and that it may be found without drawing all the similar Records of a Term or Year, (and thus rubbing or tearing them) to find the Parties or Attornies Names at opposite Corners. This Arrangement obviously admits of more concise Reference than any Distribution confined to Reigns, Years, or Terms, which must be very disproportionate and irregular. The Mode of citing ancient Rolls, by the Reign, Year, Membrance, Part, Side, and Number † is singularly prolix and inconvenient, and some bearing several repugnant Numbers, others none at all, no sufficient Objection appears against reducing them all to the general Plan here recommended.

The Records being arranged and marked, the next Enquiry is how to facilitate Searches for them. As they must relate to Persons or Things, which are usually connected with some Place, they are divisible into Personal and Local. The former includes the great Mass of Law Pleadings. To the ordinary Proceedings of Courts of Justice there is in general no Guide, but the Books of Orders, Pleadings, &c. which, like a Merchant's Day Book, merely contain the miscellaneous Transactions of each Day, without any further Index than one consisting of the Titles of Causes composed at the End of the Term or Year, and occupying the concluding Pages of the Volume. This suffices tolerably, while the Proceedings are fresh in the Recollection of the Parties; but afterwards Searches become tedious and perplexing, for want of any Index incorporating all these occasional ones, and referring to a Ledger made from them, so as to exhibit all the Proceedings in each particular Cause in one View. It would conduce to this End, if, for want of a Plea Roll, the Parties were obliged to endorse on the Declaration in each Cause a short Entry of each successive Proceeding, and its Date, which would obviate many vexatious Motions turning on disputed Facts and Dates.

The Bill Books in Equity aim at uniting the Day Book and Ledger: there is a Book for each Year, in which is entered, in succession as it comes in, every Bill and Answer under the principal Plaintiff's Name, with the Names of all the Parties, the Attornies, and even the subscribing Counsel, and in Chancery the Six Clerks. Space proportioned to the probable Exigency is then left, for adding the Dates of the several Amendments, Replications, and Rejoinders; and the Names of further Parties, Attornies, &c. and an Index, not strictly in dictionary Order, of Plaintiffs' Names divided by Terms, is subjoined in the same Volume. But the nominal Defendants being often the principal and most conspicuous Parties, a general alphabetical Index of all Parties named in the Title of each Cause is still wanting; containing some brief mention of the Place to which it relates, and the principal Scope of the Bill; such as Account, Injunction, Foreclosure, Redemption, specific Execution. These Particulars the Plaintiffs should be required to subjoin to its Title, that they may be transferred to the Bill Book.

None of the above mentioned Books convey the least Idea of the Subject of Litigation; and perhaps no adequate Advantage would result from a more detailed Account of the Contents of such Records, as are merely transitory and personal in their Nature, and regard only the Transgressions and moveable Property of Individuals. But the Judgments and Decrees which may affect Lands require more Attention; and perhaps ought all to be registered in a General Reference Office, to save a Multiplicity of Searches.

When it is considered how much of the History of Property and Pedigrees, Equity Proceedings may illustrate, and that the mere Pendency of them has been deemed *Notice* to all the World; it seems unaccountable that no Repertory or Index of their principal Contents exists.

* E. G. A. b. 21. If one Kind of Records require a disproportionate Quantity of Presses, or Partitions, each may then contain such a Period as will best equalize the Portions, and should be marked with the Dates, and a Capital, forming, if possible, Part of the general Alphabetical Series of the Repertory. For this Purpose, the other Classes should be first lettered, that the surplus Letters might be successively allotted to such an accumulating Series of one Description.

† E. G. Rotul. Ann. 32 Hen. 3 Pars 2, Membran. 15, Numer. 25, Dorso. When several Skins form one Record, each Skin should be numbered as Part of the general Numerical Series, unless the Record compose a complete Volume; in which Case it may be paged, and have a particular Index or Table of Contents, as most expedient.

The End.

LIST OF ENGRAVED PLATES,

AND

INDEX.

LIST OF THE ENGRAVED PLATES,

Which are inserted in the several Works printed by Authority of His Majesty's Commissioners upon Public Records,

And also in this Report of their Proceedings.

		App^x.	*Page.*
I.	CHARTERS—Carta Stephani Regis; in Archivis Eccl. Cathed. Exoñ, Asservata	G.	96
II.	- - - - - Articuli Magne Carte Johannis; in Mus. Brit.	G.	96
III.	- - - - - Magna Carta, 17 Johannis; in Archivis Eccl. Cathed. Lincolñ.	G.	96
IV.	- - - - - Carta de Foresta, 2 Hen. III. in Archivis Eccl. Cathed. Dunelm̃.	G.	96
V.	- - - - - Magna Carta, 9 Hen. III. in Archivis Eccl. Cathed. Dunelm̃.	G.	96
VI.	- - - - - Carta Confirmationis, 21 Hen. III. Rot. Cart. in Turr. Londin.	G.	96
VII.	- - - - - Magna Carta confirmata, 25 Ed. I. in Archivis Civ. Lond.	G.	96
VIII.	STATUTES — Inspeximus of Magna Carta, entered upon the Statute Roll, 25 Ed. I.	G.	98
IX.	- - - - - Entry upon the Close Roll, 18 Hen. III. concerning Mag. Carta, c. 35.	G.	100
X.	- - - - - Entry upon the Patent Roll, 21 Hen. III. concerning The Statute of Merton.	G.	100
XI.	PLACITA, coram Domino Rege, 21 Hen. III.	K. 1.	138
XII.	- - - - coram Consilio Domini Regis, 27 Henrici III.	K. 1.	138
XIII.	- - - - coram Domina Regina et Consilio Domini Regis, 37 Henrici III.	K. 1.	138
XIV.	ROTULI ORIGINALES, 28 Hen. III., 1 Ed. I., 10 Ed. II.	F. 4.	64
XV.	ROTULI HUNDREDORUM, 3 Ed. I.	K. 3.	142
XVI.	TAXATIO ECCLESIASTICA Angliæ et Walliæ, Auctoritate, P. NICH. IV. 16 Ed. I.	L. 1.	146
XVII.	TESTA DE NEVIL SIVE LIBER FEODORUM, temp. Ed. II. Ed. III.	K. 2.	140
XVIII.	NONARUM INQUISITIONES, 15 Ed. III.	L. 2.	148
XIX.	VALOR ECCLESIASTICUS temp. HEN. VIII.—Royal Instructions and Return.	L. 3.	150

INDEX.

A.

ABBEYS and Priories of Royal Foundation, Extents of the Temporalties of, 35, 39, 41, 53.
——— found among the Records in the King's Remembrancer's Office, 7. 194.
——— Surveys of, *t.* Hen. VIII. among the Records discovered at the Chapter House, 52, 192.
——— Bailiffs Accounts of the Possessions of, *ibid.*
——— Chronicles and Histories of, among the Harleian MSS. 72.
ABBO *Floriacensis*, Life of St. Edmund by, 73.
ABBREVIATES of Adjudications in Scotland, Act concerning the Register of, 47.
" ABBREVIATIO Placitorum Temp. Regum Ric. I. Joh. Hen. III. Edw. I, II." Progress reported in the Printing of, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38.
——— completed, 5, 35, 39, 40, 41, 172.
——— Account of the Publication of, 138.
" ABBREVIATIO Registri Magni Sigilli Scotiæ," Specimen of, printed, 42, 173.
" ABBREVIATIO Rotulorum Originalium in Curia Scaccarii," Progress in the Printing of reported, 23, 25, 26, 28, 46.
——— the First Volume of, completed, 27, 172.
——— the Printing of the Second Volume of, suspended, 30.
——— reordered, 32.
——— further Progress in the Printing of, 29, 30, 33, 34, 35, 36, 37.
——— the Second Volume of, completed, 37, 38, 172.
——— further Progress made in the Transcription of, to the Time of James I. 39, 41, 46.
——— Account of the Exchequer Rolls called Originalia, (Append. F. 4.) 64.
ABERCONWEY, Register of the Abbey of, 74.
ABERCRUMBIE, Alexander, Abridgement of a Retour of Service relating to the Lands of, 159.
ABERDEEN, Abstract of Services to Lands in the County of, 157, 158.
ABINGDON, Hist. of the Abbey of, 72.
——— an Inquisition of the annual Value of Benefices in the Town of, among the recently discovered Records in the Tower, 184.
" ABREGE Historique des Actes Publics d'Angleterre recueillis par Thomas Rymer," 116, 117, 124.
" ABRIDGEMENT of the Register of the Great Seal of Scotland from the Accession of K. Robert I. to the Union," Progress of the, reported, 164, 165.
" ABRIDGEMENT of the Record of Retours of Services," State of Progress of the, 34, 38, 57, 58, 161, 232, 242, 246, 262, 263.
——— Plan of the, (App. M. 2.), 155.
ABRIDGEMENTS of Statutes, 86.
——— First English Abridgement, *ibid.*
ACHERY, Luke d', Trivet's Annals first edited by, 130.
ACTA Dominorum Auditorum in Parliamento, 5, 40, 41, 59, 167, 168, 169, 260.
——— Progress in the Printing of, announced, 173, 242.
" ACTA Dominorum Concilii," 5, 38, 40, 59, 167, 260.
——— Nature of this Class of Proceedings, 168.
——— Progress in the Printing of, reported, 173.
ACTA Eruditorum, Critique in, on Rymer's Fœdera, 116.
ACTA Parliamentorum Scotiæ, 5, 59, 167, 173, 279.
——— Progress in the Printing of, announced, 4, 173.
——— Jac. I. II. III. IV. and Part of V. printed, 59.
" ACTA Regia," Work so called, 116, 117.
——— Analysis and History of, 124.
ACTS of Parliament sometimes found in the Form of Charters or Letters Patent, 97.
——— in the Rolls of Parliament, but not printed, *ibid.*
ACTS of Parliament, Distinction between Public and Private Acts first specifically stated, 31 Hen. VIII. 97.
——— Transcript of the Public General Acts sent to the Rolls Chapel, 99.
——— Original Acts, where preserved, 100.
——— Amendment of the Inrollment made from the Original Act, *ibid.*
——— Printing and Distribution of, since the Union with Ireland, 108. [*See* Statutes.]
ACTS of Parliament in Ireland, mode of indorsing, 305.
——— Rolls of, between 1711 and 1758, found, 306.
——— contained in the Red Book of the Exchequer at Dublin, *ibid.*
ACTS of the Parliament of Scotland, Proceedings concerning, 296, 299.
ACTS and Proceedings of the Secret Council in Scotland, from 1513 to the Union, Preparation for the Press of, suspended, 173.
ACTS of Sederunt from 1532, Specimen of, prepared for the Press, 173.
——— Books of, from 1553, where deposited, 225.
ADAN, St. 73.
ADDRESS of the House of Commons to His Majesty 11 July 1800, on the State of the Public Records of the Kingdom, 11.
ADJOURNAL, Books of, of the High Court of Justiciary, 202, 291.
ADMIRAL, Lord High, MSS. relating to the Authority of the, 75.
ADMIRALLATUS. A Roll, entitled " De Superioritate Maris Anglie et Jus Officii Admirallatus in eadem," found among the newly discovered Records in the Tower, 186.
ADMIRALTY, MSS. relating to the, in the Harleian Collection, 73.
——— High Court of, in Scotland, a Record of the Decrees in, ordered to be framed, 49. 218.
——— an Index to the Proceedings in, wanted, 196, 198, 214, 218.
——— Nature and Condition of the Records of, 214.
ADRIAN IV. Pope, Bull of, relating to the Supremacy of the Archbishop of York over the Scottish Bishops, 76.
ADVOCATE'S Library, Edinburgh, the Earl of Hadinton's Collection of Charters in, 162.
——— Episcopal and Monastic Registers of Scotland preserved in, 166.
——— Copies of Scottish Parliamentary Proceedings in, during the Fifteenth Century, 168.
ÆLFRED of Beverley, 72.
ÆLRED, Abbot of Rievaulx, 73.
AFFIDAVITS, Removal of the Office for the Registry of, recommended, 62.
AGARDE, Arthur, directed by Queen Elizabeth to sort and digest the Records in the Four Treasuries of the Exchequer, 114.
——— the Papers of, published by Mr. Powel in " The Repertorie of Records," *ibid.*
——— frames a Repertory of Scottish Records in the Chapter House Westminster, 152.
AIDS, Books of, among the Harleian MSS. 73.
ALBAN, St. Life of, 73.
——— History of the Abbey of, 72.
——— Chartulary of the Monastery of, 83.
ALEXANDER III. K. of Scotland, Archives of Scotland carried away at the Death of, 248.
ALEXANDER III. Pope, Bull of, relating to the Church of Scotland, 76.
ALFONSUS, King of Castile, Agreement of, with Garcia King of Navarre, 129.
——— a Fac Simile of the complete Instrument by which he ceded his Possessions in Gascony to Prince Edward, Son of Henry III. recommended for the new Edition of the Fœdera, 137.
ALIEN Priories, Extents of Possessions of, 35, 36, 37, 38, 39, 40, 41, 53.
——— *t.* Edw. I. II. III. and Ric. II. among the Records discovered in the King's Remembrancer's Office, 7. 194.

INDEX.

ALIEN Priories, Baiſiffs Accounts of, during the same Periods, found among the Records discovered in the King's Remembrancer's Office in the Exchequer, 157.
ALLATIUS, Leo, a Benefactor to the Barberini Library, 71.
ALNAGERS, Records of, 194.
ALNEWICK, History of the Abbey of, 72.
——— Register of, 74.
ALTIERI Library, at Rome, 70.
AMBASSADORS, Instructions to, 72.
——— Papers relating to the Expences of, found among the Records in the King's Remembrancer's Office, Exchequer, 194.
AMBROSIAN Library, at Milan, 70.
ANDERSON, James, Collections of, 134.
ANGLESEYE, Letter from the Prior and Convent of, in the County of Cambridge to King Edw. III. concerning the Subsidy demanded for the Marriage of his Sister, 188.
ANN of Cleves, Proceedings on the Divorce of, 74.
ANNUITIES, Report concerning Sums raised by, 112.
ANSELM, St. MS. Life of, in the Harleian Library, 73.
ANSTIS, John, 71.
ANTIQUA Statuta, 86, 87.
APPEALS of Murder in the "Placitorum Abbreviatio," 139.
APPLEBY Com. Westm. Charter confirming "Carta de Foresta," preserved at, 95.
ARCHBISHOPS and Bishops, English, Lives of, among the Harleian MSS. 73.
——— Forms of Election and Consecration of, Jurisdictions, &c. *ibid.*
——— Extents of the Manors, &c. of Archbishops and Bishops made during Vacancies, *t.* Edw. I. II. III. found among the Records discovered in the King's Remembrancer's Office in the Exchequer, 194.
——— Bailiffs Accounts of the Possessions of, found in the same Repository, *ibid.*
ARGYLL, Retours of Services for the County of, abridged, 160.
ARMY and Navy, Papers relating to the, discovered among the Records in the King's Remembrancer's Office in the Exchequer, 194.
"ARTICULI super Cartas," Exemplification of the Stat. 28 Edw. I. so called, at Durham, 178.
——— a Copy of the, in the Bodleian MS. No. 1036, 180.
"ARTICULI liberati Dño E. Regi ex parte Prelatorum, &c. 1299," preserved in the Cathedral at Canterbury, 182.
ARTICULI Magnæ Cartæ, where preserved, 95, 96.
——— a Fac Simile of, recommended to be engraved for the new Edition of the Fœdera, 136.
ARUNDEL, the Earl of, asks Pardon of the Duke of Lancaster in Parliament, 17 Edw. III. in an English Form of Words, 104.
——— Thomas, Earl of, forms a Collection of Manuscripts, 70.
ASCHAM, Roger, Latin Letters supposed to have been written by, subjoined to the Hague Edition of the Fœdera, 117.
ASSAY Offices, Report on, 110.
ASSERIUS Menevensis, 72.
ASSIENTO Contract, Report on the, 109.
ASSIGNMENTS of Dower, among the newly discovered Records in the Tower, 184.
ASSISÆ Placita, 29, 31, 33, 35, 53.
ASSIZE, Records of the Clerks of, 18, 62.
ASSIZE Rolls for different Counties, among the Records found at the Chapter House, 29, 192, 193, 194.
ASSIZE of Bread, Statutes of, 90, 102, 110, 111.
ASTLE, Thomas, furnishes Sir Joseph Ayloffe with the Substance of his Introduction to the Calendars of Ancient Charters, 114.
ATKINS, Sir Robert, one of a Committee for revising the Statute Law, 92.
ATTAINDER, Order concerning the Removal of the Records of, into the Baga de Secretis, 16, 21.
——— Progress of the Removal and Schedules of, 19.
——— Removal, &c. of, completed, 23.
ATTAINDERS, Papers relating to, discovered among the Chapter House Records, 191.
AUCHINLEK, William, Abstract of Service to the Lands of, in the County of Aberdeen, 159.
AUDITORS, Lords, of Parliament, Proceedings of, in Scotland, 40, 41, 59, 167, 168, 169, 260.
——— Progress in printing the Proceedings of, 135.
AUDITORS of the Land Revenue for England, Records in the Offices of, ordered to be arranged and indexed, 16, 19.
——— Progress of Arrangement reported, 17, 45.
——— Ministers Accounts ordered to be transferred from, 19, 45.
——— Office of the, recommended to be rebuilt, 16, 52.
——— Index to the Records of, 17, 19, 45, 60.
AUDLEY, Sir Thomas, Proceedings in 1560 Suits during the Chancellorship of, found among the recently discovered Records in the Tower, 184.
AUGMENTATION Office, Ministers Accounts ordered to be transferred to, 17, 19, 45.
——— Records of the Duchy of Lancaster and the Duchy of Cornwall, ordered to be transferred from, to their respective Offices, 4, 17, 19, 45.
——— Records transferred from, to the Auditors of Land Revenue, 17.
——— Publication of Indexes to the Conventual Leases, Crown Leaſes, and Deeds of Purchaſe and Exchange in, postponed, 60.
——— proposed Regulation for the private Indexes at, 61.
AUGMENTATIONS, Proceedings of the Court of, 74.
AUGUSTINE, St. Life of, among the Harleian MSS. 73.
AYLOFFE, Sir Joseph, publishes the Calendars of ancient Charters, 114.
——— occasionally at Variance with Rymer in the Dates of Instruments, 120.
——— Errors in his Account of the Scottish Records, 162.
AYR, Retours of Services for the County of, abridged, 160.
——— Local Registries in the County of, 234.

B.

BACON, Sir Francis, gives a Sketch or Plan for a general Revisal of the Statute Law, 91.
——— Letter of, concerning a Manuscript Collection of the Statutes by Mr. Michael Heneage, 92.
——— Sir Nicholas, Plan of, for reducing, ordering, and printing the Statutes of the Realm, 91.
——— Proceedings in 1250 Suits during the Chancellorship of, discovered in the Tower, 184.
BAGA de Secretis, Schedule of Records contained in the, ordered, 16, 23.
——— Index to, completed, 45.
BAGIMONT's Roll, Transcript of, in the Harleian Collection, 76.
BALFOUR, Sir James, how far concerned in the Revision of the Scottish Laws, during the Regency of the Earl of Morton, 255.
——— Volume of "Practicks" under his Name, *ibid.*
——— Promotions of, *ibid.* Note.
BAMBURGH, Castle of, committed to farm, 185.
BANGOR, MSS. relating to the Bishoprick of, 76.
——— State of the Ecclesiastical Return for, *t.* Hen. VIII. 149.
BANK of England, Reports relating to, 112.
BANSTED, Manor of, committed to farm, 185.
BARBERINI Library, the, at Rome, 70.
BARCLAY, George, Abridgement of a Retour of Service relating to the Lands of, 159.
BARKER, Statutes printed by, in English, afford the earliest Instance of the Term "Statutes at Large," 88.
BARLOW, Bishop, a Benefactor to the Bodleian Library, 69.
BARNET, Chipping, Guild at, 74.
BARNEWELL Priory, Register of, 74.
BARONIES, Historical Accounts of, among the Harleian MSS. 74.
BASIL St., Library of the Fathers of, 70.
BATH and Wells, State of the Ecclesiastical Valor for the Diocese of, 149.
BATTLE Abbey, Register of, among the Harleian MSS. 74.
——— a Fac Simile of the Foundation Charter of, recommended for the new Fœdera, *ibid.*
BEATON, Archbishop, the antient Chartularies and other Muniments of the Church of Glasgow carried to France by, 166.
BEAVER, John, 72.
BEAUMONT, Henry Lord, why committed to the Tower, 140.
BECKET, St. Thomas, Lives of, in the Harleian Collection of MSS. 73.
BEDE, Venerable, Life of, 73.
BEDENALE, Letter missive of K. Hen. IV. for removing the Indictment of, into the Common Pleas, 189.
BEDFORD, State of the Ecclesiastical Survey for the County of, *t.* Hen. VIII. 150.
BEDFORD, John Duke of, Articles exhibited by, in Parliament, 11 Hen. VI. discovered in the Tower, 183.
BEES, St., Register of the Monastery of, 74.
BENEDICT, Abbot, 72.
BENET, or Corpus Christi College Cambridge, MSS. at, 70, 101, 180.
——— Copy of the Statute "de Talliagio non concedendo" at, 180.

INDEX.

BENEVOLENCES and Loans, Privy Seals relating to, *t.* Hen. VII. & Hen. VIII., discovered among the Chapter House Records, 191.
BERMINGHAM Tower. Abstracts of Inrolments of Grants entered on the Records in the Rolls Office and Bermingham Tower, where kept, 303.
——— Pipe Rolls, Rolls of Common Pleas, &c. preserved in the, *ibid.*
BERTHELET, Edition of the Antiqua Statuta by, 87.
——— Collection of the Statutes by, previous to 1 Edw. III. *ibid.*
——— Translation of the Statutes by, from the Time of Hen. III. to 19 Hen. VIII., *ibid.*
——— ascribed by Cay to Ferrers, *ibid.*
BESSARION, Card. a Benefactor to the Public Library at Venice, 71.
"BIBLIOTHEQUE Choisie," Analysis of the Fœdera in, by Le Clerc, 124.
BILL Chamber, Records of the, 229, 230.
BILLS, Answers, and Depositions from Eliz. to Geo. I. in the King's Remembr. Office made accessible, 53.
——— Bundles of, from the Reign of K. Hen. VII. to that of Queen Anne, among the newly discovered Records in the Tower, 184.
BISHOPRICKS, Extents of Temporalties of, collected and transcribed, 35, 37, 39, 53.
BITTLESDEN, Register of the Monastery of, 74.
BLACK ACTS, early series of Scottish Statutes so denominated, 106.
BLACK BOOK of the Cathedral of Christ Church, Dublin, 101.
BLACK BOOKS of the King's House, 73.
BLAKHALL, William, Abridgment of a Retour of Service relating to the Lands of, 159.
BLACKSTONE, Sir William, differences between the Edition of the Charters edited by, and those in the new Edition of the Statutes, 95.
——— Charters of Liberties from Durham printed by, not examined by himself, 179.
BLYTHE, Register of the Monastery of, 74.
BODLEIAN Library, Magna Carta A. D. 1217, in, and the Charters of Confirmation 21 Hen. III. and 29 Edw. I., 95.
——— Roll of Statutes among Laud's MSS. in, 101.
——— ancient Translation of some of the Statutes in, of the Time of Hen. III. and Edw. I., 105.
——— Account of MS. Hatton 10. in, containing the Statutes from Magna Carta 9 Hen. III. to 11 Hen. VII., 180.
——— Account of the MS. in the Bodleian Library, No. 1036, 180.
BODLEY, Sir Thomas, Account of his reinstatement of the Public Library at Oxford, 69.
BOLESOVER Castle committed to farm, 185.
BOLOGNA, Library of the Canons regular at, 70.
BOLTON, Sir Richard, Statutes of Ireland abstracted by, 107.
BOOKS, Manuscript, of Record, 100.
——— Books and Manuscripts not of Record, 101.
BOSTON, Register of Christ Church at, 74.
BOULOGNE, Mortality in the Marches of, *t.* Ric. II. 189.
BOUN, Raulf, 72.
BOWYER, William, Objections made by, to Pulton's Plan of publishing the Statutes, 93.
——— receives the Records of Chancery into his Custody for the Reigns of Rich. III., Hen. VII., Hen. VIII., and Edw. VI, 114.
——— the first Person who reduced the Tower Records into Order, and made Repertories of them. *ibid.*
BRACTON, 74.
BRADENE, Mete & bunde Foreste de, among the Records discovered in the Tower, 185.
BRAYBROC, Henry de, seizure and imprisonment of, at Bedford Castle, 187.
BREAD, Assize of, 90, 102, 110, 111.
BREALTE, or Breaute, Falcasius de, Letters concerning, 187.
BREHULL, Manor of, committed to farm, 185.
BRETANIME, ancient MSS. of the Irish, in the Harleian Collection, 77.
BRETON, 74.
BRIAVELS, Castle of Saint, committed to farm, 185.
BRIDGES and Sewers, among the Placita, 139.
BRIEVE of Inquest, in the Law of Scotland, what, 155.
BRIEVE of Idiotry, 271.
BRIEVE of Mortancestry, 269.
BRIEVE of Succession, Two distinct Classes of Inquisition, entered under, 269, 271.
BRIEVE of Tutory, 271.
BRISTOL, Letter Missive of K. Edw. IV., concerning Commotions and Insurrections at, A. D. 1463, 190.
BRITISH Museum, a separate Catalogue of the Records and State Papers in, proposed, 60.
——— Articuli Magnæ Cartæ in, 95, 96.
——— Two of the Great Charters of K. John, one of 36 Hen. III., and the Charter of Confirmation 23 Edw. I., preserved at, 95.
——— Manuscript Collections of Statutes in, 101.
——— Rymer's MS. Collections preserved in, 122.
——— MSS. in, illustrating the History and Affairs of Scotland, 153. [*See* Cottonian MSS. Harleian MSS. Lansdowne MSS.]
BROMPTON, J., 72.
——— Instruments copied from the History of, by Rymer, 130, 131.
——— has Two Letters of Vetus de Monte, 131.
BROMSALL, (- - - - -) Esq. instrumental in preserving the Cotton Library, during the Civil Wars, 66.
BRUCE and Baliol, Papers relating to the Contest between, when Competitors for the Crown of Scotland, 191.
BRUCE, Robert, no Public Instruments or Records of Scotland anterior to the Accession of in 1306, 248.
BRUSTWYK, Manor of, committed to farm, 185.
BUCKINGHAM, Duke of, Surveys and Accounts of the Estates of, forfeited by Attainder, 191.
BUCKS, Articles in Eyre for the County of, 142.
——— Return for, in the Ecclesiastical Survey, *t.* Hen. VIII., 150.
BUDA, a Library antiently at, 70.
BUILDINGS, Orders concerning, issued by the Record Commission, 3, 16, 44.
"BUKIS of Law" reformed in Scotland in 1425-6, 253.
BULLS, Papal, discovered in the Chapter House, at Westminster, 191.
BURCHARD of Dorchester, 73.
BURGH, Hubert de, Letters to, in the Reign of K. Henry III., discovered in the Tower of London, 183, 187.
BURGHS, Royal of Scotland, 112.
——— Deeds regarding heritable Property within a Royal Burgh, to be recorded in the Town Court Books, 48, 195, 205.
——— Charters in the Archives of the Royal Burghs, 163, 261.
——— Books of Burgh Courts, 234.
——— Profits of Registration in, 235.
——— Inutility and difficulties of so crowded an Establishment of Burgh Registries, *ibid.*
——— Amendment in the System of, proposed, *ibid.*, 267.
——— Objections on the Part of the Burghs stated, 236.
——— State of the Repositories of Records in, 266.
——— State of the Burgh Records for 1810, 267, 286.
BURGHS of Regality and Barony, Profits of Registration in, 235.
BURLEIGH, Lord, Letters of, in the Harleian Collection, 76.
BURLEIGH Papers, Catalogue of the, 5, 41, 45, 83.
BURLEY, William, Letter Missive of K. Hen. VI., for the associating of, in an Assize, 190.
BURNETT, Bishop, MS. Copy of the History of his own Times, in the Harleian Collection, 78.
BURY, St. Edmunds, History of, 72.
——— Register of, 74.
——— Roll of Pleadings concerning the Right of the Abbot of, to Toll in the Town, &c, 186.
——— the Parliament ordered to be holden at, 25 Hen. VI., 189.
BUTLER, the King's, Accounts relating to, discovered among the Records in the King's Remembrancer's Office in the Exchequer, 194.
BUTLERAGE, Accounts of *t.* Hen. VIII., among the Records discovered in the Tower, 192.
BUWELT, Castle of, let to farm, 185.

C.

CÆSAR, Sir Julius, Papers of, 45, 83.
CALAIS, the Seizure of, recommended to Queen Elizabeth by Sir Thomas Smith and Sir Nicholas Throckmorton, 136.
——— a Commission dat. 8 July, 3 Edw. IV., concerning Money due to the Captain of Calais, &c., found among the newly discovered Records in the Tower, 186.
——— Accounts relating to the Staple of, *t.* Hen. VIII., discovered at the Chapter House, *ibid.*
——— Treasurers and Comptrollers Accounts of, *t.* Hen. VIII., discovered at the Chapter House, *ibid.*
——— Mortality in the Marches of, *t.* Ric. II., 189.
"CALENDARIUM Rotulorum Chartarum et Inquisitionum ad quod Damnum," Progress in preparing and printing the, reported, 17, 22, 23, 24.
——— completed, 4, 22, 24, 63, 172.
——— Account of the Publication and Contents of, 63.
"CALENDARIUM Rotulorum Patentium in Turri Londinensi," Preparation and Printing of, ordered, 4, 17, 19, 45.

INDEX.

"CALENDARIUM Rotulorum Patentium in Turri Londinensi," completed 22, 172.
——— from what Sources published, 64.
——— Deficiencies in the Tower Copy of, supplied from one in the British Museum, 64.
——— Nature of the, *ibid.*
——— sometimes at variance with Rymer in the Dates of Instruments, 120.
"CALENDARIUM Inquisitionum Post Mortem, sive Escaetarum," Vol. I. & II. Progress in the Transcript and Publication of, 22, 23, 24, 26, 27, 28, 29, 30, 31, 35.
——— Publication of, completed, 4, 30, 33, 46, 172.
——— Progress of, Vol. III. in the Press, 172.
CALENDARS of Ancient Charters published by Sir Joseph Ayloffe, 114.
——— occasionally at variance with Rymer in the Dates of Instruments, 120.
CALENDARS and Indexes of Offices which are private Property recommended to be purchased for public Use, 62.
CALENDARS and Indexes of Scottish Rolls framed in the Seventeenth Century, 162, 165.
——— proposed in reference to some of the more bulky and most generally useful of the Scottish Records, 242, 243, 246.
CALIXTUS III. Pope, Bull of, relating to the Obedience of the Scottish Bishops, 76.
CAMBRIDGE, Manuscript Collections of Statutes at, 101.
——— in the public Library of the University, 180.
——— Inquisition of the annual Value of Benefices in the Town of, among the newly discovered Records in the Tower, 184.
——— Letter Missive of K. Richard III., concerning the finishing of the Chapel of our Lady and St. Nicholas (now King's College) at, 190. [*See* Benet College, St. John's College, Trinity College.]
CAMDEN, William, accompanies Sir Robert Cotton in a Journey to the North of England, 65.
——— a Contributor to Sir Robert Cotton's Collection of Manuscripts, 70.
CANON Balls (piers pour Canons) Letter Missive of K. Richard II., concerning the making of, 188.
CANONS and Constitutions, Provincial and Diocesan, 73.
CANTERBURY Cathedral, Charters and Registers in, of very antient Date, 95, 181.
——— antient Copy at, of the Charter by which Edw. the Black Prince was created Prince of Wales and Duke of Cornwall, 181.
——— MS. Roll in, containing the Award of Lewis the Dauphin of France respecting the Dispute between K. Hen. III. and his Barons, 1263, 182.
——— Roll at, containing the Ordinance of the Household 5 Edw. II. *ibid.*
——— MS. Rolls at, elucidatory of the Proceedings previous to the Articuli Cleri, 182.
CANTERBURY Diocese, Contents and Condition of the Valor for, 149.
"CAPITULA Itineris," 142.
"CAPITULA Corone & Itineris," 143.
"CAPITULI Statutorum," 142.
CARBONARA, Library of St. John de, at Naples, 70.
CARDINAL College, Oxford, Endowment of, among the Records discovered at the Chapter House, 192.
CARLISLE Cathedral, MS. Chartulary of the Abbey of Wetherall preserved at, 178.
"CARTE Regum Anglie de Libertate Ecclesiastica," 181.
CARUCATA, 139.
CASTLE Acre, Register of the Monastery of, 74.
CASTLES. A Roll containing Entries of divers Castles and Manors belonging to the Crown, committed to farm, 185.
——— Accounts of the Expence of Buildings and Repairs of Royal Castles and Palaces, *t.* Edw. IV. and Hen. VIII., among the Records discovered in the Chapter House, 192.
——— Papers relating to Expenses for Repairs and Building of Castles, Palaces, &c., among the Records discovered in the King's Remembrancer's Office in the Exchequer, 194.
CASTOREUS, 72.
CATESBY, Surveys and Accounts of the forfeited Estates of, among the Records discovered at the Chapter House, 191.
CATHEDRALS, Libraries of, to which the Works printed under the Record Commission are sent, (App. O.), 174.
——— improved State of Security and Order in the Records of, 6.
——— Chartularies in, containing Copies of the Great Charters and Carta de Foresta, 95.
CAUTION, Acts of, 249.
CAXTON, Statutes printed by, 86.
CAY, Edition of the Statutes at large by, 89.
CEREMONIALS, Pomps, &c. MSS. relating to, in the Harleian Collection, 75.
CERTIFICATES of Authenticity subjoined to the Statutes of Scotland, 106.
CHAIN Book, in the Town Clerks Office, Dublin, Particulars of the, 301.
CHANCERY, increased Accommodation provided for some of the Offices in the Court of, 3.
——— Decrees of the Court of, in the Tower of London, put in a Train of Arrangement, 3, 54.
——— Recommendation concerning the Records belonging to the Offices of Clerk of the Crown, Petty Bag, and Examiners in Chancery, 44.
——— Bills, Answers, Depositions, &c. in, preserved in the Lord Treasurer's Remembrancer's Office, 53.
——— ——— in the Tower, 54.
——— the Enrollment in, comes in place of the Statute Roll, 99.
——— the State of the Records of, taken into Consideration by Queen Elizabeth, in 1567, 114.
——— Records of the Court of, ordered to be examined in 1718, 116.
——— Formation of Calendars to the Proceedings in deposited in the Record Office at the Tower, 175.
——— Records of the Court of Chancery discovered in the Tower of London, 184.
——— Privy Seal Bills in the Court of Chancery, Hen. VIII., Eliz. and Jac. I., among the Records discovered at the Chapter House, 192.
CHANCERY in Scotland, Destruction of the Records of, in the Sixteenth Century, 156, 270.
——— Index to the Records of, proposed, 57.
——— Account of the Records framed in, 228, 230.
——— ancient Records of the, 270.
——— Inquisitions retoured to, begin in 1547, *ibid.*
CHANTRIES, Particulars for Sales of Lands belonging to, *t.* Edw. 6., among the Records discovered at the Chapter House, 192.
CHAPEL of the Rolls. *See* Rolls Chapel.
CHAPTER House of Westminster, increased Accommodation provided for the, 3, 19, 21, 44.
——— Arrangement and Catalogue of the Contents of, completed, 3.
——— Instruments at, heretofore unnoticed in the Calendars, 7.
——— Examination of the unarranged Records in, ordered, 28, 30, 52.
——— Progress in, reported, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41.
——— Order relating to the building an additional Office at, 16, 44.
——— Records of Fines in, from the Reign of Edw. VI. to the End of Geo. II., arranged, 37.
——— Rolls at, containing Proceedings in Parliament from 18 to 35 Edw. I., 98.
——— Rolls at, containing Pleas, Petitions, &c. in Parliament, 100.
——— Register Book at, containing Entries of Statutes of the Time of Edw. I., 101, 104, 153.
——— Duplicates of the Original Roll at, 152.
——— Instruments and Writings in, relative to Scotland, *ibid.* 162, 193.
——— ——— injured since the Time of Mr. Agarde, 152, 153.
——— Report of Records, &c. discovered in, since 1800. (App. T.) 190, 191.
——— Scottish Rolls of Placita preserved at, 259.
CHARITABLE CORPORATION, 109.
——— DONATIONS, Report on, 111.
CHARLES I. Receiver General's Accounts of Lands belonging to, 1643, among the Records discovered at the Chapter House, 192.
CHARLES, Nicholas, MSS. of, purchased by Lord Oxford, 71, 72.
CHARTÆ Antiquæ, Extracts from the, in the Tower, among the Harleian MSS., 74.
CHARTER House in Paris, some of the antient Muniments of the Church of Glasgow deposited at, 166.
CHARTER, Patent, and Confirmation Rolls, together with the Fine Rolls, recommended to be printed, 61.
CHARTER Rolls, Progress in preparing and printing the Calendar of, 17, 22, 23, 45.
——— ——— completed, 4, 24, 172.
——— Account of the Publication of the, 63.
——— Description of the Contents of the, 63.
——— Entries of Statutes on the, 100.
CHARTERS, Original, of our ancient Kings, in the Harleian Collection, 75.
——— ancient, Calendars of, published by Sir Joseph Ayloffe, 114.
——— ——— sometimes at variance with Rymer in Dates, 120.

INDEX.

CHARTERS, Repositories of, 94, 95.
CHARTERS of Liberties prefixed to the new Collection of the Statutes, Account of, 36, 94.
——— Differences between the new Collection and Blackstone's, 93.
——— Charter of Liberties 1 Hen. I., in the Textus Roffensis, 94.
——— Great Charters and Charters of the Forest entered in different Registers or Collections; the most valuable at York, Gloucester, and Christ Church, Dublin, 95.
——— Enumeration of Charters, not before printed, inserted in the new Collection, 96.
——— the Charters of Liberties and of the Forest (with one Exception) written in Latin, 103.
——— preserved in a MS. Volume in Gloucester Cathedral, 177.
——— particular Enumeration of those at Durham, 178.
——— Three preserved in the Domesday Book at York, 179.
CHARTERS Royal, in the K. R. Office, collated and transcribed, 35, 39, 41, 53.
——— of Scotland, request made to the Lord Register for printing the, 17.
——— Abstract of, ordered, 57.
——— Reports concerning, 38, 40, 59, 197, 260, 261, 279.
——— Plan of the Collection of, (App. M. 3.) 162.
——— Progress reported in the Collection, Transcription, and printing of, 164.
——— Charters in Scotland, ordered to be registered before they are sealed, 199, 200.
——— Progress of a Royal Charter in Scotland toward Completion described, 201.
——— Public Registers in which, in its successive Stages, the Charter is recorded, 201.
——— Alteration proposed in regard to the Offices through which Charters should pass, *ibid.*
——— Records of, of the Reigns of Rob. I. David II. Robert II. and Robert III., extant in the Reign of Cha. I. have disappeared, 212.
——— ——— Calendars of these Records extant, *ibid.*
——— new Arrangement in the Formation of, recommended, 219, 240, 245.
——— Record of Charters in Scotland under the Prince's Seal, 229.
——— ——— where kept, 230.
——— ancient Registers of, lost, 260.
——— Deficiencies in the present Record of, 261.
——— &c. in Ireland, Searches for, 317.
CHARTULARIES, Registers, &c. of sundry Monasteries among the Harleian Manuscripts, 74.
——— in the Lansdowne Collection of MSS., 83.
——— of ancient Date in some of our Cathedrals, containing Copies of the Great Charters, and Charters of the Forest, 95.
CHERTSEY Abbey, Chartularies of, among the Lansdowne MSS., 83.
CHESHIRE, State of the Ecclesiastical Survey for the County of, 1. Hen. VIII. 149, 150.
CHESTER, St. Werburgh's in, 74.
——— Trial by the Domesday of, 140.
CHEYNE, John, Abridgement of a Retour of Service, relating to the Lands of, 159.
CHICHESTER, Roll of Proceedings concerning the Jurisdiction of the Bishop of, as to his Visitation in the Chapel of Hastings, among the newly discovered Records in the Tower, 186.
CHIGI, Library in the Palace of, 70.
CHIVALRY, MSS. relating to the Institutions of, 83.
——— Records relating to, in the Chapter House at Westminster, 192.
CHRICH, Register of the Monastery of, 74.
CHRIST Church Dublin, MSS. at, 302.
CHRIST Church Oxford, the Charter of 29 Edw. I. mentioned as preserved at, by Blackstone, not to be found, 179.
CHRISTINA, Queen of Sweden, carries numerous MSS. from the Libraries of the North to Rome, 70.
CHRONICLES, Scottish; in the Harleian Collection, 76.
CHURCH of Scotland, MSS. relating to, 76.
——— ——— at present deposited in an Aisle of St. Giles's Church; 275.
CHURCHES, MSS. relating to the Foundation, &c. of, 74.
——— Visitatorial Certificates of the Value of, 74.
CHURCHILL, Awnsham, Rymer's Transcripts of Records surrendered by, to Government, 122, *note* *.
CHUTE, Placita Foreste de, 185.
CIRCUIT Court. *See* Justiciary.
CIRENCESTER, Letter Missive of K. Henry IV. concerning the Abbot and Town of, 189.
CIVIL List, Report relating to, 112.
CLARE, Register of the Monastery of, 74.
CLEMENT XI. Pope, improves the Vatican Library, 70.
CLERGY, Taxations of the, found among the Records in the King's Remembrancer's Office, 7, 194.
CLERK of the Crown, Office of, 44.
CLERK-REGISTER, Lord, the proper Keeper by the Constitution of his Office, of the Records of Scotland, 223.
——— the Clerks Register anciently the Framers of Records, 108, 223.
CLERK-REGISTER, Deputy, Appointment of, 47.
——— Reports of, to the Court of Session, *ibid.*
——— Copy of the Royal Warrant for the Appointment of, in Scotland (App. W. 1.) 221.
——— Commission, &c. consequent upon the Royal Warrant, 222.
——— First Annual Report of the Deputy Clerk Register, 1807, (App. W. 2.) 223.
——— Second Annual Report of, 1808, (App. W. 3.) 230.
——— Importance stated by the Lords of Session of the recent Institution of the Office of Deputy Clerk Register, 237.
——— Third Annual Report of, 1809, (App. W. 5.) 241.
——— Fourth Annual Report of, 1810, (App. W. 7.) 247.
——— Report of the Lords of Session on the Fourth Report of, (App. W. 8.), 273.
——— Fifth Annual Report of, 1811, (App. W. 9.) 274.
——— Report of the Lords of Session on the Fifth Report of, (App. W. 10.), 294.
CLERKS of Assize keep their Records in private Houses, 62.
CLERKS in Court, in the Office of His Majesty's Remembrancer, Regulations imposed on the, 176.
CLERKS of the Peace, Offices for the, recommended to be built at the public Expence, 62.
——— have no Calendars or Indexes to the Records of their Offices, *ibid.*
CLERKS of Session, separate Registers of Deeds in the Three Offices of the, 279, 282.
——— ——— the Three consolidated, 279.
CLETON, Manor of, committed to Farm, 185.
CLOSE Rolls, the official Calendar of, ordered to be printed, 17.
——— Progress reported, 23.
——— The printing of the Calendar postponed, 26, 60.
——— Index to private Selections from, in the Roll's Chapel, recommended to be printed, 61.
——— Entries of Statutes on the, 100.
——— Entries on the, illustrative of Scottish History, 153.
CLUN, Register of the Monastery of, 74.
COAL Trade, Report upon, 111.
COFFERER's Accounts, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 194.
COIN of the Realm, &c. 109.
COINAGE, Papers relating to, among the Harleian MSS., 73.
——— among the Records in the K. R. Office, Exchequer, 194.
COKE, Lord, original Notes of, on Littleton's Tenures, 78.
——— Collection of the Statutes, inserted in the Second Institute of, 88.
COLLECTANEA of Rymer in Continuation of the Fœdera, Analysis of the Contents of, 133, 134.
——— many Papers in, already printed, 134.
COLLECTIONS of the Statutes of Scotland and Ireland, heretofore published by Royal or Parliamentary Authority, 106.
COLLEGES, Libraries of, to which Works printed under the Record Commission are sent, (App. O.), 174.
COMMISSARY Courts, no Deeds to be recorded in the, 48, 195, 206.
——— Records in the Custody of the Commissary Clerks of which no official Returns were made to the Select Committee, *ibid.*
——— Records of the, where kept, 230, 243.
COMMISSIONS to Justices of the Peace, Sewers, &c. entered on the Patent Rolls, 64.
COMMISSIONS, Special, in the King's Remembrancer's Office, Exchequer, ordered to be collected, arranged, and indexed, 19, 21.
——— Progress in the Work reported, 23.
COMMON Bench, Harleian MSS. relating to, 74.
COMMON Pleas, Docket Rolls of the Court of, directed to be methodized and indexed, 16, 19.
——— Calendars and Indexes to the Records of the Court of, ordered to be printed, 17.
——— ——— ——— postponed, 60.
——— early Proceedings in the Court of, discovered among the Records in the Tower, 185.
——— Records of the Court of, among those recently discovered at the Chapter House, 192.
COMMONS, House of, Journals and Reports of the, reprinting, 4, 18.
——— Address of the, to His Majesty, on the State of the Public Records, 11 July 1800, 11.
——— Paper Office of, 44.
——— Selection from the Reports of, in Progress, 54.

INDEX.

COMMONS, Copies of the Journals of the House of, among the Harleian MSS., 73.
——— Series of Reports from Committees of, upon Public Matters, 1715 to 1802, (App. H.) 109.
" COMPOTA Camerariorum Scotiæ, ab A. D. 1326," Transcription of the, in Progress, 173.
COMPTON, Sir William, Surveys and Accounts of the forfeited Estates of, discovered at the Chapter House, 191.
CONCORDS and Fines in real Actions, 139.
CONDÉ, the Prince de, said to have given the Tract in the Hague Edit. of the Fœdera " de l'Etat d'Angleterre," to Count de Bethune, 117, 134, 135.
CONFERENCE of the Law Officers of Scotland, 219.
CONSTABLE, Lord High, MSS. on the Authority, &c. of the, 75.
CONSTANTINOPLE, Greek Books brought from, to England, 69.
CONTEMPTS, Punishments for, 140.
CONVENTION between the Kings of England and France concerning a Crusade, copied from Brompton by Rymer, 129.
CONVERTS and Protestant Settlers in Ireland, Records concerning, 303.
CONVOCATIONS, Collections for the History of, MSS., 83.
COPPER Mines and Copper Trade, Report on, 111.
CORN, Grain, &c. Reports on, 111.
CORNWALL, "Nomina Ecclesiarium Parochialium ac Capellarum &c. in Com. Cornubie, 45 Edw. III." among the newly discovered Records in the Tower, 186.
——— Records of the Duchy of, ordered to be transferred from the Augmentation Office, 4, 17, 45.
——— Papers relating to Mines in the County of, found among the Records discovered at the Chapter House, 192.
——— Extent of the Manors, Boroughs, Churches, &c. in the Duchy of, 11 Edw. III. among the Records discovered in the King's Remembrancer's Office in the Exchequer, 7, 194.
——— Bailiffs Accounts, &c. for the Duchy of, 1. Edw. III. Ric. II. Hen. IV. and V. discovered in the same Repository, 157.
——— "Nomina Ecclesiarum pochialum ac Capellarum, &c. in Com. Cornub." 186.
——— Papers relating to the Mines of, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 194.
CORONATION Oath, Copy of the, in a MS. Roll at Canterbury, 182.
CORONATIONS, MSS. in the Harleian Collection, relating to, 75.
CORONERS Rolls, Edw. I. Hen. IV. discovered among the Records in the Chapter House, 192.
CORPORATIONS, Grants to, entered on the Patent Rolls, 64.
——— ——— among the Placita, 139.
CORPUS Christi College. *See* Benet College.
COTTON, Sir John, 66.
COTTON, Sir Robert, Account of, 65, 69.
——— the Referee of Pulton's Plan for revising the Statutes, 93.
——— Prynne's Abridgement of the Records in the Tower published from the Papers of, 115.
COTTON House purchased for £4,500. 66.
COTTONIAN MSS. the Catalogue of, ordered to be printed, 17, 46.
——— ——— ——— Progress of reported, 19, 21.
——— ——— ——— completed, 4, 22, 172.
——— Account of the Formation, Contents, and Catalogue of the Cottonian MSS. (App. F. 5.) 65.
——— how preserved during the Civil Wars, 66.
——— a Catalogue of, compiled by Doctor Thomas Smith, *ibid.*
——— an Act passed for settling and preserving the Collection for the Public, *ibid.*
——— Report concerning in 1703, *ibid.*
——— the Collection of, removed from Westminster to Essex House in 1712, 67.
——— taken back to Westminster in 1730, *ibid.*
——— much injured by Fire in 1731, *ibid.*
——— transferred to the British Museum in 1753, *ibid.*
——— Enumeration of the Contents of the Cottonian Library, *ibid.*
——— Account of Dr. Smith's Catalogue, *ibid.*
——— the Mode of Compilation used in the new Catalogue by Mr. Planta, 68.
——— Enumeration of the original Contributors to Sir Robert Cotton's Collection, 70.
——— Report on, after the Fire in 1731, 109.
——— Letters and other Writings in, illustrative of the State and Affairs of Scotland, from the Time of James IV. to James VI. 153.
COUNCIL, Lords of, in Scotland, Proceedings of, 40, 59, 167, 168, 170, 225, 231, 260.
——— a Publication of Selections from the Proceedings of, recommended, 170, 263.
——— Specimen of the intended Register of, 263.
COUNCIL, Reports of the Lords of, on the First, Second, Third, Fourth, and Fifth Reports of the Dep. Clerk Register, 237, 245, 273, 294.
COUNCIL and Session, Books of, Description of the, 227.
——— ——— where kept, 231.
——— Reparation of the Records of, 231, 241.
——— new Registry of, 248.
——— Indexes to the Books of, prepared, 264, 280.
COUNCILS, Saxon and English, among the Harleian MSS. 73.
" COUNTY Bags," Records so denominated in the Chapter House at Westminster, 193.
COUNTY Placita, Abstract of the, 32, 33, 34.
COUNTY Records in Scotland, Draft of a Bill for the Preservation of, ordered, 56.
——— Observations on the, 265.
COUNTY Rates in Middlesex, 109.
COUNTY Registries, Decay of, in Scotland, 204, 205.
COURTS of Common Law, Accommodations for the, recommended, 62.
COURT of Justiciary, Records of, in Scotland, ordered to be transferred to the General Register House, 51, 57, 197.
——— Proceedings relating to, postponed, 61.
——— a Record of Proceedings in the Circuit Court of, to be deposited in the General Register House, 195.
——— Considerations on the Proposition of this Measure, 202, 213, 217.
——— Select Proceedings of the Court of, from the Reign of James IV. preparing for the Press, 173.
——— Index wanting to the Records of, 195, 197, 207.
——— Nature of the Proceedings of the Lords Commissioners of, 201.
——— an Index to the Records of, ordered, 218.
——— Records of, where kept, 230.
COURT of Requests, Records of the, 52.
COURT of Session, Act passed for transmitting the Minute Book of, to the General Register House of Scotland, 4, 47.
——— Fees and Emoluments in the, 51.
——— the General Minute Book of, deposited in the General Register House, 225.
——— Particulars of the Records of the, 228, 229, 239, 274, 275.
——— Alteration in the Formation of the Judicial Records of, 231, 238, 239, 241, 264, 282, 283.
COURT of Wards and Liveries, Records of the, 52, 74.
COURTS, Practice of the, 139.
COURTS, Privilege of, 140.
COWPER, Sir A. A. One of a Committee for revising the Statute Law, 92.
COWTIS, Robert, Abridgement of a Retour of Service relating to the Lands of, 159.
CRAIG, Sir Thomas, 257.
CREATIONS of Princes, Nobility, &c. MSS. relating to, 75.
CROMWELL, Thomas Lord, Letters and Correspondence of, discovered among the Chapter-House Records, 191, 193.
CROSS, St., Register of the Hospital of, 74.
CROWN, Imperial and Jewels, Papers relating to the, discovered among the Records in the Chapter House, 191.
CROWN Lands, Index to the Surveys of, recommended, 54.
CROWN Office, King's Bench, Records relating to the internal Policy and Laws of Scotland at, transferred to the General Register House at Edinburgh, 17, 58.
CUMBERLAND, State of the Ecclesiastical Valor for the County of, 1. Hen. VIII., 150.
CUMMING, Alex. Abridgement of a Retour of Service relating to the Lands of, 159.
CUPAR, Charters of the Burgh of, communicated to the Commissioners on the Records, 165.
——— The Register of the Monastery of, recovered, 281.
CURIA Regis, Calendars and Indexes to the Records of, ordered to be printed, 19.
——— Rolls of the, 138.
——— Fines and Pleadings in, found among the Records at the Chapter House, 192.
——— MSS. relating to, 74, 192.
CUSTOMS, 73.
——— the Receiver General's Account of, in the various Reigns, discovered among the Records at the Chapter House, 192.
——— Frauds and Abuses in the, Report upon, 109.
CUTHBERT, St., Life of, 73.

D.

DAILY Council, in Scotland, Nature of the Proceedings of the, 168.
DALRYMPLE, Sir David, Lord Hailes, Letter of, concerning a correct Edition of the Scottish Statutes, 298.

DALRYMPLE,

INDEX.

DALRYMPLE, Sir David, Lord Hailes, the first who discovered Skeene to be an unfaithful Publisher of the Scottish Law, 257.
——— Error of, relating to the Treaty of Northampton, 250.
DAMAGES and Costs, 139.
DARRELL, Deeds belonging to the Family of, of Littlecot in Wiltshire, among the Records discovered in the Tower, 185.
DAVID I., K. of Scotland, MS. Life of, 76.
DAVID II., K. of Scotland, Ordinance of, concerning Acts of Parliament, 108.
——— what Charter Rolls of, remaining, 124.
——— Charters of, extant in the Reign of James VI., 249.
DAVID, St., Life of, 72, 73.
DAYE, Margery, Letter Missive of K. Henry V., concerning the Petition of, 189.
DECREES, Index to the Books of, in the King's Remembrancer's Office, 1 to 10 Eliz. ordered to be made, 53.
——— ——— in Part done to 35 Eliz, *ibid.*
——— completed for the First Seven Years of Jac. I. but further Proceedings in, suspended. *ibid.*
DECREES in the Court of Exchequer, Scotland, and Index to the Books of, ordered, 218.
" DECREET," Explanation of the, in the Sheriffs Courts of Scotland, 202.
——— Alteration recommended in the framing of the, 203.
DEE, Dr. a Contributor to Sir Robert Cotton's MSS., 70.
DEEPING, Register of the Monastery of, 74.
DEMESNE Lands of the Crown, MSS., concerning the, in the Harleian Collection, 73.
DEMESNES, State of the, enquired into by K. Edw. I., 142.
DENMARK, Tranfactions of, with the Crown of Scotland, 8.
DEPUTY Clerk Register. *See* Clerk Register.
DERBY, State of the Ecclesiastical Survey for the County of, 149, 150.
DERBY, Earl of, Surveys and Accounts of the forfeited Estates of, found among the Chapter House Records, 191.
DERWENTWATER, Earl of, forfeited Estates of, 109.
DESPENCER, Hugh le, 74.
DESPENSERS, Rebellion of the, 139.
DEVON, Original of the Valor of Pope Nicholas IV. for, 149.
——— Papers relating to the Mines of, among the Chapter House Records, 191.
——— Papers relating to the Mines of, among the Records discovered in the K. R. Office in the Exchequer, 194.
DEVON, Earl of, Surveys and Accounts of the forfeited Estates of, discovered among the Chapter House Records, 191.
D'EWES, Sir Simonds, MSS. of, added to the Harleian Collection, 71, 72.
DICETO, Ralph de, the First Authority for the Letters of Vetus de Monte, 130.
DICTUM de Kenilworth, 139.
——— translated by Berthelet, 87.
DIGBY, Sir Kenelm, a Benefactor to the Bodleian Library, 69.
DIGNITIES and Benefices, Valuation of, 2. Henry VIII. the First Volume of, published under the Authority of the Commissioners, 5.
DIOCESES. Bags of Deeds of divers Dioceses discovered among the Chapter House Records, 192.
DISPENSATIONS and Faculties, Removal of the Office of, recommended, 62.
DISTILLERIES in Scotland, Reports relating to the, 112.
DOCKET Rolls of the Court of Common Pleas, ordered to be methodized and indexed, 16, 19.
——— Calendars and Indexes of, ordered to be printed, 17.
——— Publication of the Index postponed, 60.
DODSWORTH, Roger, a Benefactor to the Bodleian Library, 69.
DOLBEN, Sir Gilbert, 71.
DOMESDAY Book, Compilation of Index to, ordered, 4, 17, 19, 46.
——— Progress of, reported, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38.
——— completed, 4, 39, 40, 41, 172.
——— Copies of Parts of, among the Harleian MSS., 74.
——— Trial by, 140.
DOMESDAY of Chester, Trial by the, 140.
DOMESDAY Book, Ledger or Chartulary so called at York, 179.
DORSET, Hundred Roll of, 35, 53.
——— State of the Ecclesiastical Survey for the County of, 1. Hen. VIII., 150.
DOUGLASS, Monk of Glastonbury, 72.
DOWER, Assignments of, among the newly discovered Records in the Tower, 184.
" DOWN Survey," Maps so called, 304.
DOWRY, Charter of, granted by William K. of Sicily to Joan Daughter of K. Henry, printed by Rymer from Bromton, 129.
DRESDEN, Royal Library at, 70.
DUBLIN, Red Book of the Exchequer at, 95, 100, 300, 301.
——— Black Book at, containing Copies of old Statutes, 101.
——— Trinity College, MSS. at, *ibid.* 301.
——— Chain Book in the Town Clerks Office at, 301.
——— Records of Statutes at Christ Church, Dublin, 302.
——— Records and Papers belonging to the Parliament House in, 305.
——— ——— relating to the Liberties and Privileges of the City of, *ibid.*
DUEL, Trial by, 140.
DUGDALE, Sir William, 67.
DUMBARTON, Charters communicated from the Archives of, 165.
DUNKIRK, Report on the Demolition of, 109.
DUNMOW, Register of the Monastery of, 74.
DUNSTABLE, MS. Chronicle of, 72.
——— Register of, among the Harleian MSS., 74.
DUNSTAN, St., Life of, 73.
DURHAM Cathedral, the Original of the Carta de Foresta, 2 Hen. III., found at, 7, 178.
——— Statutes of, among the Harleian MSS. 74.
——— several Charters of the Liberties of England preserved at, 95, 96.
——— " Repertorium Magnum Ecclesiæ Cathedr. Dunelm." fact. circa A. D. 1456, 178.
——— the Charters of the Liberties of England preserved at, more particularly enumerated, *ibid.* 179.
——— State of the Ecclesiastical Survey for the County of 1. Hen. VIII., 150.
DYVYSES, Castle of, committed to farm, 185.

E.

EADMERUS, 72.
——— MS. Life of St. Anselm by, 73.
EAST India Company's Affairs, Reports on, 110.
ECCLESIASTICAL Benefices, Parliamentary Surveys of, during the Usurpation, recently discovered in the Tower of London, 7.
ECCLESIASTICAL Courts, Recommendation concerning the Wills and Proceedings of, 62.
ECCLESIASTICAL Possessions, Extents of, vacante Sede, 35, 53.
ECCLESIASTICAL Survey, 26 Hen. VIII., ordered to be transcribed and printed, 30, 46, 149.
——— Progress in the Transcript and Printing of, reported, 31, 32, 33, 34, 35, 36, 37, 38.
——— First Volume of completed, 39, 54, 172.
——— Progress of the Second Volume reported, 39, 40, 41, 42, 54, 172.
——— Plan of the, (App. L. 3.) 149.
——— Contents and Condition of the Books and Rolls containing it, Originals and Copies, *ibid.*
——— Returns wanting in the, 150.
EDGAR, 75.
——— the famous Charter of, relating to the Superiority of the four Seas, spurious, *ibid.*
EDINBURGH, Account of the Devastation of, by the English Army in 1544, 156. Note §.
——— MSS. in the University Library of, 169.
——— the Records of Scotland formerly kept at, 248.
——— Articles of Rendition of Edinburgh Castle, 1650, *ibid.*
EDMUND, St. and King, Life of, 73.
EDMUNDS Bury. *See* Bury.
EDWARD the Confessor, 75.
——— MS. Life of, 72, 73.
EDWARD the Elder, 75.
EDWARD I. MS. Life of, 72.
——— Statutes of, indiscriminately in Latin or French, 104.
——— a Collection of Records illustrative of the Transactions of, in Scotland recommended, 152.
——— Carta Edw. Primi Regis, de Magna Carta, 178.
——— Letter Missive of, to Llewellin Fitz Griffin Prince of Wales, 187.
——— ——— ——— to William Ab^t of York, 188.
——— Foundation of Vale Royal Abbey, by, *ibid.*
——— the Claim of, as superior Lord of Scotland, among the Records discovered in the Chapter House at Westminster, 191.
——— the Royal Archives of Scotland carried away by, 248.
——— Copies ordered of such Records as were brought away from Scotland by, 196.
EDWARD II. Life of, in MS., 72.
——— French Language most prevalent in the Statutes of, 104.
——— Banishment of, when Prince, for violent Language to one of the Judges, 140.

INDEX.

EDWARD II. Ordinance of the Household of, 15 Edw. II., 182.
EDWARD III. French the prevalent Language in the Statutes of, 104.
——— Charter of, creating his eldest Son Prince of Wales, 181.
EDWARD IV. MS. Life of, 72.
——— Statutes of, in French, 104.
——— Letter Missive of, 1463, concerning Commotions and Insurrections in the Town of Bristol, 190.
——————— concerning a Commission of the Peace for the County of Suffolk, *ibid.*
——————— concerning a safe Conduct for a Spanish Kervel lying at Southampton, *ibid.*
EDWARD V., Register of Grants which passed the Privy Seal during the Reign of, 73.
ELEANOR, Sister of King Edward III., Letter Missive from the Prior and Convent of Pentneye, concerning the Marriage of, 188.
ELIZABETH, Queen, Plans for revising Statutes, &c. during the Reign of, 91.
——— takes the State of the Records of Parliament into Consideration in 1567, 114.
——— orders the Records of Chancery for the Reigns of Rich. III., Hen. VII., Hen. VIII., and Edw. VI., to be delivered into the Custody of Mr. Wm Bowyer, Keeper of the Records in the Tower, *ibid.*
——— Paucity of Materials in Rymer's Fœdera, relating to the Transactions of, with the Queen of Scots, 119.
ELPHEGE, St., Life of, 73.
ELPHINSTON, Secretary, Fall of, from Power, 252.
ELSYNGE and Bowyer, Keepers of the Records in the Tower, Objections of, to Pulton's copying the Records, 93.
ELY, History of, 72.
ELY Cathedral, no Originals, Records, or Transcripts of Charters or Statutes, preserved at, 181.
——— Statutes of, where preserved, 74.
ENGLAND, "De l'Etat & Gouvernement du Royaume d'Angleterre," a Tract added to the Hague Edition of Rymer, and said to have been delivered by the Pr. of Condé to Count de Bethune, 117, 134.
——————— out of *Place* in the Fœdera, 134.
——————— proved to be an Edition only of Sir Thomas Smith's, "Commonwealth of England," 135.
——— Means by which it is supposed to have got into the Fœdera, 135.
——— Sir Thomas Smith supposed to have written it for the Use of the Prince of Condé, *ibid.*
——— recommended as an Introduction to the new Fœdera, *ibid.*
——— ordered to be omitted in the new Fœdera, 136.
ENGLISH Historians and Annalists, copied occasionally by Rymer, 128.
ENGLISH Language, Statutes when first endited and written in, 86.
——— earliest Instances of the Use of, in Parliamentary Proceedings, 104.
ENROLLMENT. *See* Inrollment.
ENTAILS, Register of, in Scotland, 232.
EPISCOPAL and Monastic Registers of Scotland preserved in the Advocates Library at Edinburgh, 166.
"EPISTOLÆ Mariæ Reginæ Angliæ ad extraneos Principes et Republicas, ab Anno 1554 ad Annum 1558," subjoined to the Hague Edition of the Fœdera, 117, 120, 136, 137.
"EPISTOLÆ Regum Scotorum," preserved in the British Museum, 153.
ERDESWICK, Mr. MSS. Collections of, 72.
ERROR, Proceedings in, 138, 139.
ESCHEATS, Rolls of Accounts of Lands escheated to the Crown, *t.* Hen. VIII. among the Records discovered at the Chapter House, 192, 194.
——— Eschest Rolls *t.* Edw. I. to Q. Eliz. found among the Records discovered in the King's Remembrancer's Office Exchequer, 7, 194.
——————— ordered to be arranged and calendered, 19, 21, 23, 29.
ESCHEATS of the Lands of Normans, 141.
——— Minutes of Escheats and Extents, Hen. III. to 36 Hen. VI., from the Tower Records preserved at Dublin, 301.
ESCUAGE, Records of, discovered in the King's Remembrancer's Office Exchequer, 194.
ESCURIAL, Library of the, 71.
ESSEX House, the Cottonian Collection of MSS. deposited at, in 1712, 67.
ESSOIN Rolls temp. Hen. III. Edw. I. Edw. II. discovered among the Records in the Tower, 185.
ESTATES, forfeited, Surveyors Accounts of, among the Records discovered at the Chapter House, 192.
ESTWOOD, Manor of, committed to Farm, 185.
EVESHAM, Battle of, 139.
EVESHAM, Register of the Monastery of, 74.
EUGENIUS, Pope, Fac Simile of a Bull of, recommended to be re-engraved for the new Edition of the Fœdera, 137.
EWELM, Register of, among the Harleian MSS. 74.
EXAMINERS in Chancery, Office of, 44.
EXCHEQUER, Memoranda in the Office of the Lord Treasurer's Remembrancer, 3.
——— The Records in the Lord Treasurer's Remembrancer's Office, ordered to be methodized and indexed, 16.
——————— Progress in, reported, 19, 21, 25, 54.
——————— Repository for the Records of, completed, 23, 44.
——————— Statement of improved Arrangements in, 44, 45.
——————— Discovery of unknown Records in, 21, 45, 46.
——————— Originalia in the Lord Treasurer's Remembrancer's Office, ordered to be printed, 46.
——————— the Lord Treasurer's Remembrancer's Office, without any Person specifically intrusted with its Records, 62.
——— a Certificate respecting the State of the Records in His Majesty's Remembrancer's Office required by the Barons to be annually read in open Court, 6.
——— Progress of the Regulation and Arrangement of Records in the King's Remembrancer's Office, 6, 16, 18, 19, 21, 23, 53.
——— Monastic and Ecclesiastical Records hitherto unnoticed, discovered in the King's Remembrancer's Office, 7, 17, 45, 53.
——————— ordered to be collected and arranged, 53.
——— Indexes ordered to be made to the Decree Books and Orders of Court in the King's Remembrancer's Office, with Reports of Progress, 19, 21, 23, 25, 26, 27.
——— Progress of the Indexes to the Special Commissions and Escheat Rolls in the King's Remembrancer's Office in, reported, 23.
——————— suspended, 25.
——— Progress in abstracting the Originalia Rolls of, 25.
——— Collection, &c. of Monastic Records in, ordered, 35.
——— Progress of the Collection reported, 36, 37, 38, 39.
——— Necessity of rebuilding certain Offices belonging to the Receipt of, 52.
——— Offices of Auditor, Tellers, Tally Court, Pells, and Auditors of Land Revenue, removed to Whitehall, *ibid.*
——— "Ordinationes Scaccarii," recommended to be printed, 61.
——— the rebuilding of the King's Remembrancer's and Clerk of the Pleas Offices recommended, 62.
——— Account of the Exchequer Rolls called Originalia, 64.
——— Extracts from the Red and Black Books of, among the Harleian MSS. 74.
——— MSS. relating to, in the Harleian Collection, *ibid.*
——— Books and Manuscripts, not of Record, in the Exchequer, containing Entries of Statutes, 101.
——— the Records in the Four Treasuries of the Exchequer ordered to be sorted, and Calendars of them to be made by Mr. Agarde, 114.
——— Orders of the Court of Exchequer at Westminster for regulating the Records in the Office of the King's Remembrancer, 176.
——— Roll containing an Account of the Receipts of the Lord Treasurer paid into the Exchequer 21 Hen. III., among the Miscellaneous Rolls discovered in the Tower, 185.
——— Exchequer Accounts *t.* Hen. VIII., among the Records discovered at the Chapter House, 192.
——— Report of Records, &c. discovered in the Office of the King's Remembrancer of the Exchequer at Westminster, (App. U.) 194.
EXCHEQUER, in Scotland, Buildings of the Court of, rendered more secure, 49, 297.
——— Index to the Minute Book of Judicial Proceedings in, ordered, 57.
——— Report on an Index to the Book of Decrees and Orders of the King's Remembrancer in, 213.
——— an Index to the Book of Decrees in, ordered, 198, 200, 218.
——— the Building occupied by the Court of, ordered to be rendered more commodious, 198, 200.
——— Records of, where kept, 230.
——— Records of the old Court of Exchequer from 1659 to 1707, where preserved, 225.
——— proposed Transfer of to the General Register House impeded, 244.
EXCHEQUER, Dublin, Red Book at, 95, 100, 300, 301.
——— "Index seu Liber Repertorius omnium Inquisitionum & Rot. Regalium Servitiorum à 20 R. II. usque ad 19 Eliz. inclusive, remanentium in Officio Capitalis Remem. Scaccarij Hibernie factus per Walt. Harolde," 307.
——— Arrangement of the Records of the, 316.
EXCISE, Receipts of Collectors for the Standard, Ao 1700, among the Records discovered at the Chapter House, 192.

EXCOM-

INDEX.

EXCOMMUNICATION, singular Instructions concerning, in a MS. at Cambridge, 180.
——— "Excommunicatio Violatorum Ecclesiæ Libertatum, 1253," formerly preserved in Litchfield Cathedral, 178.
EXEMPLIFICATIONS of Statutes, 99.
——— many such of an early period in the Tower, *ibid.*
——— present Practice of certifying an Exemplification before it passes the Great Seal, *ibid.*
EXETER, Statutes of the Cathedral of, 74.
——— original Charter at, of 1 Steph. "de Libertatibus Eccl. Anglie & Regni," 94, 96.
EXETER, Marq. of, Rolls containing Surveys and Accounts of the forfeited Estates of, among the Records discovered in the Chapter House, 191.
EXPENSES, Account of, incurred in Execution of the Commissions upon Public Records, 43.
EXTENTS, old and new, the great Standard of Freehold Qualification in Scotland, 157.
——— of Manors, among the Records discovered in the Chapter House, 192, 194.
EYRE, Articles in, 143.
——— Proceedings in, among the Chapter House Records, 29.
——— Functions of the Justices in, 142.
——— Pleadings before the Justices in, Hen. III. to Edw. III. discovered among the Records in the Chapter House, 192, 194.

F.

FACULTY of Advocates. *See* Advocates.
FAIRFAX, Lord, a Benefactor to the Bodleian Library, 69.
FAIRS and Markets, in Ireland, Reference to Grants of, 303.
FEE Farm, Grants in, entered on the Patent Rolls, 63.
FEES, Regulations proposed relating to, in the Record Offices of Scotland, 226.
FEODUM Militis, 139.
FERRERS's Translation of the Statutes, first printed in 1534, 87.
——— subsequent Editions of his Translation, *ibid.*
——— Berthelet's Translation of the Statutes ascribed to him, *ibid.* 89.
FESTIVALS, ancient, 74.
FEUDAL Property, mode of transferring, in Scotland, 155.
FIFE, Local Registries in the County of, 234.
FINANCE Reports, 112.
FINCH Serjeant, afterwards Earl of Nottingham and Lord Chancellor, appointed with Serj. Maynard, Sir Robert Atkyns, Mr. Prynne, and others, to revise the Statute Laws, 92.
FINE Rolls, Entries of Statutes on, 100.
FINES, Records of, in the Chapter House, arranged from the Reign of Edw. VI. to the End of Geo. II. 53.
FINES for Offences committed against the Forest Laws, among the Records in the K. R. Office Exchequer, 194.
FINES, Decisions on the Doctrine of, 139.
FIRST Fruits Office, Ecclesiastical Survey in, 26 Hen. VIII. ordered to be transcribed and printed, 30, 46, 54.
——— Report on the Insecurity of the First Fruits Office, 52.
FISHERIES, Reports on the, 111.
FLANDERS, Robert Earl of, Convention of, with K. Henry I., 136.
——— Theodoric Earl of, Convention of, with K. Henry II. *ibid.*
FLAX Seed, Reference to Report on, 112.
FLETA, 74.
FLEURY, Card. de, improves the French King's Library, 71.
FLORENCE, Libraries of the Benedictines and Dominicans at, 70.
FLORENCE of Worcester, 72.
FŒDERA, Rymer's, a new Compilation, with a Continuation of, determined on, 4, 20.
——— Supplement to, projected, 17, 42, 55.
——— Return of Materials for, in the Rolls Chapel, 23.
——— further Progress in the Compilation of, reported, 26.
——— Plan for the Revision of, (App. I.), 113.
——— First Report on the Supplement and Continuation to, *ibid.*
——— full Title of Rymer's Work, 113.
——— Fourteen Volumes only published by Rymer himself, *ibid.* 114.
——— Six Volumes published by Sanderson, *ibid.*
——— Rymer's Part, supposed to have been collected and arranged by himself, *ibid.*
——— Attempts to arrange Materials for such a Work previous to Rymer's Time, *ibid.*
——— the first Volume of, published in 1704, 115.
——— First Edition of the, completed in 1717, *ibid.*
——— Royal Privilege for the sole printing and publishing a new Edition of the Fœdera, obtained from K. Geo. I. by Tonson, *ibid.*
FŒDERA, a Third Impression of Rymer's Fœdera undertaken at the Hague in 1738 or 9, 115.
——— Period of Time included in the whole Compilation, 116.
——— comparative Merits of the different Editions, *ibid.*
——— Peculiarities of the Third Edition, *ibid.* 117.
——— Reasons assigned for the Neglect which has been shewn of Rymer's Work, 117.
——— of the Materials of which the Fœdera is composed, 118.
——— Documents occasionally inserted in Rymer's Work of an objectionable Kind, *ibid.*
——— private Acts, both of an Ecclesiastical and a Civil Nature, admitted into it, *ibid.*
——— Considerations relative to the intended Supplement to Rymer's Fœdera, 119.
——— Rymer's Work commenced at too late a Period, *ibid.*
——— Paucity of Documents during the Two First Reigns in, *ibid.*
——— of the Materials proper for the Continuation, and the Repositories in which they may be found, *ibid.* 120.
——— of the best Mode to be adopted in selecting, arranging, and editing the Materials for the Work, 120.
——— Second Report on Rymer's Fœdera, 122.
——— Rymer's MSS. in Continuation of the Fœdera, preserved in the British Museum, *ibid.*
——— his Collectanea purchased by Government, *ibid. Note* *.
——— a Defect of Plan in Rymer's Fœdera, noticed by Le Clerc, 123.
——— Distinction proposed between the Plans for the Continuation, and the Supplement of the Fœdera, *ibid.*
——— Proposition for dividing the Instruments in the intended Edition of the Fœdera into two Genera, with subordinate Classes, 125, 126.
——— General Arguments for the Necessity of a New Edition of the, 127.
——— Propriety of consulting Works already printed, for the Continuation of, *ibid.*
——— Third Report on Rymer's Fœdera, and upon the Use which Rymer appears to have made of our Ancient English Historians, 128.
——— Rymer's Modes of Reference animadverted on, *ibid.*
——— a Number of Instruments inserted in Rymer's Fœdera, from Works which had been previously printed, 128, 129, 130.
——— Materials for a First Volume of a New Edition of Rymer ordered to be prepared, 132.
——— Fourth Report on Rymer's Fœdera, with the Proceedings toward collecting Materials for the New Edition, *ibid.*
——— Plates recommended for the New Edition of the Fœdera, 136.
——— the Instruments during the Protectorate ordered to be included in the New Fœdera, 137.
——— a List of new Articles adopted for the Work, *ibid.*
——— Progress in the Preparation of, reported, 172.
——— Collections for the new Edition of, made in Ireland, 317.
FONTIBUS. Letter of Pandulf the Legate, concerning the Abbot de Fontibus, 187.
FORBES, Alexander, Abridgement of a Retour of Service relating to the Lands of, 159.
FORD, John Abbot of, 74.
FORDUN, John, Transcripts of the Scoti-Chronicon of, 76.
FORESTA, Carta de, Original of the, supposed by Sir William Blackstone to have been lost, found at Durham, 6, 95.
——— the Charter of the Forest 2 Hen. III. at Lincoln, engraved, 34.
——— the earliest Charter of the Forest, 95.
——— Confirmation of, in a Register at Gloucester Cathedral, 177.
——— Carta de Foresta, 9 Hen. III., preserved at Durham, 178.
——— Confirmatio super Cartam H. III. de Foresta, 28 Edw. I., preserved at Durham, 179.
——— Carta de Foresta, 1 or 2 Hen. III., preserved in the Ledger called Domesday, at York, 179.
FOREST Proceedings, Arrangement of the, in the Chapter House Westminster, 31, 33, 35, 52, 53, 61.
——— Proceedings relating to, discovered among the Records in the Tower, 185.
——— Fines for Offences against the Forest Laws, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 194.
——— Surveys, recently discovered in the Tower, 7.
FORFEITED Estates, Records relating to, discovered among the Chapter House Records, 192.
FOX, John, the Martyrologist, MSS. of, purchased by Lord Oxford, 71, 72.
FRANCIS I. the Institutor of the French Royal Library, 71.
FRASER, Alexander, Abridgement of a Retour of Service relating to the Lands of, 159.

INDEX.

FRASER, Andr. Abridgement of a Retour of Service relating to the Lands of, 159.
FRATERNITIES, v. Gilds.
FREEHOLD Qualification, Standard of, in Scotland, 157.
FREMUND, St. MS. Life of, 73.
FRENCH Language, Use of, in the Statutes, 103, 104, 105.
——— the Use of, preserved longer in Ireland than in England, 105.
FROUCESTRE, Walter, Abbot of Gloucester, 177, 178.
FUNERALS of Kings, Queens, Princes, &c. MSS. relating to, 75.
——— Orders for Royal and other Funerals found among the Records discovered at the Chapter House, 192.

G.

GALLS, Injury occasioned to ancient Deeds by an Application of the Infusion of, 127, 184.
GAOL Deliveries Edw. I. to Hen. VI. discovered among the Records in Chapter House, 192.
GARTER, Statutes of the Order of the, t. Hen. VIII. among the Records discovered at the Chapter House, 192.
GAVELKIND, 139.
GEORGE II. orders the Royal Library to be transferred to the British Museum, 69.
GERONDON Abbey, Chartulary of, among the Lansdowne MSS. 83.
GILBERT, St. MS. Life of, 73.
GILDAS, 72.
GILDS and Fraternities, Surveys of the Possessions of, 74.
GILES, St. Register of the Hosp. of, 74.
GIRALDUS Cambrensis, Life of St. David by, 73.
——— Life of Hugh Bishop of Lincoln by, *ibid.*
GISEBURN, William, 72.
GLANVILLE, 74.
GLASGOW, the antient Chartularies and Muniments of the Church of, carried to France by Abp. Beaton, 166.
———————— Transcripts made from, at different Times, *ibid.*
———————— some of the MSS. of, brought to England, *ibid.*
GLASTONBURY, Petition of Complaint against the Abbot and Convent of, in a Letter Missive of K. Henry V., 189.
GLOUCESTER. Register in Gloucester Cathedral, containing Copies of some of the old Statutes, 101, 177.
——— Hundred Rolls for the County of, 143.
——— Ecclesiastical Return for the County of, t. Hen. VIII., 150.
——— Papers relating to Mines in, among the Records discovered at the Chapter House, 192.
GLOUCESTER, Statute of, 101, 104.
———————— ———— Variations in the different Copies of, 90.
———————— ———— founded upon the Inquiries under the Commission of Quo Warranto, 143.
GLOUCESTER, Humphrey Duke of, founds a Library at Oxford, 69.
GOODRIC, St., MS. Life of, 73.
GORDON, Robert, Abridgement of a Retour of Service relating to the Lands of, 159.
GOTHA, Ducal Library at, 70.
GOSELINUS de Sancto Bertino, 72.
GRAIN, Reports on, 111.
"GRAVAMINA tam vetera quam nova," 1309, preserved in the Cathedral at Canterbury, 184.
GREAT Boke of Statutes, 1 Edw. III. to 34 Hen. VIII., 87.
GREAT Charters. *See* Charters of Liberties.
GREAT Seal of Scotland, an Apartment appropriated for the Office of the, in the General Register House, 49, 196, 207, 217.
——— Warrants of the, to be delivered into the General Register House, 50, 216.
——— an Abstract of the Records of the, ordered, 57.
——— Progress in printing the "Registrum Magni Sigilli Scotiæ," reported, 173, 226.
——— Account of the Register of the, 199, 228.
——— Expediency of diminishing the Number of Records of those Writs which ultimately pass the Great Seal, 200.
——— detailed Particulars relating to an Index to the Records of the Great Seal, 211, 212.
——— Abridgement of some of the earlier Volumes of, drawn up under the Inspection of Walter Macfarlan Esq., 212.
GUTHLAC, St., MS. Life of, 73.
GUYNES, Commission relating to the Castle of, 186.

H.

HADINTON, Thomas Earl of, MS. Collection of Charters by, illustrative of the History of Scotland, in the Advocates Library, 162.
HAGMOND, Register of the Monastery of, 74.
HAILES, Lord, v. Dalrymple.
HALE, Matthew, Esq. (afterwards L. C. J.) Sir Anthony Ashley Cowper, and Rushworth, appointed to report upon the Inconveniences of the Law, 92.
——— his MS. Copies of Rolls and Petitions in Parliament, in Lincoln's Inn Library, 101.
——— Selections from the MSS. of, in Lincoln's Inn, &c. recommended for Publication, 61.
HALES Abbey, History of, 72.
HALES Owen Abbey, old Statute Roll formerly belonging to, 95.
HALL, Anthony, the Editor of Trivet's Annals, 130.
HAMMES, Commission relating to the Castle of, 186.
HAMILTOUN, Thomas, (afterwards Earl of Hamiltoun) assists in the Revision of the Scottish Statutes, 256.
HAMPTON Court, Expences of Buildings and Repairs at, among the Records discovered at the Chapter House, 192.
HARCLA, Andrew de, 139.
HARDICANUTE, 75.
HARDING, John, Chronicle of, among the Harleian MSS., 72.
——— MS. of the Chronicle of, among the Lansdowne MSS., 83.
HARESTAN Castle committed to Farm, 185.
HARLEIAN MSS. in the British Museum, Revision, Correction, and Extension of the Catalogue of, ordered, 17, 26, 45,
———————— Progress of, reported, 19, 21, 2 235, 25, 28, 29, 30, 31, 32, 33, 34.
———————— ———— completed, 4, 35, 36, 172.
———————— ———— Indexes to, ordered, 36.
———————— ———— ———— Progress of, reported, 37, 38.
———————— ———— completed, 39, 40, 41.
——— Account of the Formation, Contents, and Catalogue of the Collection, (Append. F. 6.) 69, 77.
——— Analytical Table of Matters contained in the Harleian Collection of MSS. 79.
——— Old English Translation of the Statutes 1 Edw. III. to 18 Hen. VI. in, 105.
HARLEY, Robert, afterwards Earl of Oxford, founds the Harleian Collection of MSS., 69.
——— Plan formed by, for printing a Collection of Leagues, Treaties, Alliances, &c. intermixed with Instruments, illustrating English History, 115, 118, 122.
——— suggests his Plan to Rymer, 116, 118.
——— Zeal of in collecting MSS., 71.
——— Death of, *ibid.*
HARLEY, Edward, Earl of Oxford, pursues his Father's Plan in the Accumulation of a Library, 71.
——— Enumeration of the Contents of his Library, 71.
——— Death of, 77.
HAROLD II., Life and Miracles of, in MS., 72.
HASTINGS, Co. Sussex, Proceedings before the King and Council 29 Edw. I., concerning the Jurisdiction of the B^p of Chichester as to his Visitation of the King's free Chapel of, 186.
——— Visitation by special Commission, 19 Edw. III. of the King's free Chapel in the Castle of, among the newly discovered Records in the Tower, 186.
HASTINGS, Sir Ralph, Letter Missive of K. Rich. III., for the Pardon of, 190.
HAT Manufactory, Report relating to, 109.
HATTON, Sir Christopher, a Contributor to Sir Robert Cotton's Collection of MSS., 70.
HAVERING atte Bower, Extent of the Manor of, 35 Edw. I., among the Chapter House Records, 193.
HAVRE de Grace, seized on by Queen Elizabeth, 136.
HAWKINS's Edition of the Statutes publ. in 1735, Peculiarities of, 89.
HAY, Alexander, assists in the Revision of the Scottish Statutes, 256. Note.
HAY, William, Abridgement of a Retour of Service relating to the Lands of, 159.
HAYNES, Hopton, MS. Work of, on Coin and Coinage, 83.
HEIDELBERG Library removed to the Vatican, 70.
HEIRS, Deeds relating to, among the Placita, 139.
HENEAGE, Michael, Keeper of the Tower Records, MS. Collection of the Statutes made by, 92.
HENGHAM, 74.
HENRY I., Life of, in MS. 72.
——— Convention of, with Robert Earl of Flanders, the First Instrument of Rymer's Fœdera, 116.
——— proposed to be re-engraved for the new Edition, 136.
HENRY II., Fac Simile of the Convention of, with Theodoric Earl of Flanders, 136.
HENRY III., the great Charter of an. Regni 9, ordered to be engraved, 34.
——— Exemplifications of the Charters of Liberties of, 95, 178, 180.
——— Statutes of, almost entirely in Latin, 103.

INDEX.

HENRY III., MS. History of the Reign of, in the Library of Bennet College, Cambridge, 181.
——— MS. Life of, in the Harleian Collection, 72.
——— Transcripts of divers Magnæ Chartæ of, in the Harleian Collection, 74.
HENRY IV. Letter of Defiance to, from the Earl of Northumberland, 72.
——— MS. Life of, *ibid.*
——— Statutes of, almost entirely in French, 104.
——— the Challenge of the Crown by, made in Engliſh, *ibid.*
——— Letter Missive of, concerning a safe Conduct for John Spersholt Esquire, and John Feller, 189.
——— concerning the Abbot and Town of Cirencester, *ibid.*
——— concerning the Indictment of John Hutton and John Bedenhale, for divers Murders, Felonies, &c. *ibid.*
HENRY V. MS. Life of, 72.
——— Statutes of, with Two Exceptions only, in French, 104.
——— Letter Missive of, to the Bp of Durham, concerning a Petition from the Parson of Street in Somersetshire, 189
——— concerning the Petition of Margery Daye, *ibid.*
——— concerning the Truce between the King and the Duke of Bretagne, *ibid.*
——— Will of, among the Records discovered at the Chapter House, 193.
HENRY. VI. MS. Life of, 72.
——— Mixt Language of the Statutes of, 104.
——— Letter Missive of, to the Abp. of Canterbury, that the Parliament should be holden at St. Edmund's Bury, 189.
——— concerning associating William Burley with the Justices of an Assize in the County of Hereford, 190.
——— granting the Wardship and Marriage of the Daughter of the Duke of Somerset, to the Earl of Suffolk, *ibid.*
HENRY VII. The Book of Indenture between him and the Abbot and Convent of Westminster, 75.
——— Quadrupartite Indenture of, with the Abbot and Convent of St. Alban's, *ibid.*
——— Statutes of, always published in English, 104.
——— MSS. containing the Statutes of the First Two Parliaments of, found in French, *ibid.*, 180, 181.
——— Books relating to the Foundation of the Chapel of, among the Records in the Chapter House, 192.
——— Papers relating to the Erection of his Monument, *ibid.*
——— Will of, among the Chapter House Records, 193.
HENRY. VIII., Divorce of, from Queen Catherine, among the Records discovered in the Chapter House, 191.
——— Will of, where preserved, 193.
HENRY Prince of Wales, Letters to, 73.
HERALDICAL and Armorial MSS. in the Harleian Collection, 75.
——— in the Lansdowne Collection of MSS., 83.
HERALDS Office, Insecurity of the, 52.
HEREFORD, Ecclesiastical Survey for the County of, 150.
——— MSS. at the Cathedral of, ill arranged, 178.
HERITABLE Jurisdictions, Abolition of, 157.
HERITABLE Property, Deeds relating to, within a Royal Burgh, to be recorded in the Town Court Book, 48, 195.
HERRING Fisheries, Reports on, 111.
HICKES, Dr., George, 71.
HIDA, 139.
HIGDEN, Ranulph, his Polycronicon taken from the Polycratica Temporum of Roger Cestrensis, 72.
HIGH-TREASON, Proceedings upon Special Commission for Trial of, in Scotland, in 1754, &c. ordered to be transferred from the Crown Office, K. B., in that Kingdom, to the General Regiſter Office, 17.
HIGHWAY or Turnpike Truſts, Reports on, 109.
"HISTORIÆ Anglicanæ Scriptores Antiqui," 129.
HISTORIANS, ancient English, among the Harleian MSS. 72.
——— Works of, occasionally transcribed by Rymer, 128.
HOBART, L. C. J. engaged in revising the Statute Law, 91.
HOBY, Sir Thomas, 71.
HOCKER, the Continuer of the Harleian Catalogue, 76.
HOLLES, John, D. of Newcastle, Papers and Letters of, 73.
HOLME, Regiſter of the Monastery of, 74.
HOLME Cultrum, Register of the Monastery of, 74.
HOLMES, George, Keeper of the Records in the Tower, engaged in the Second Edition of Rymer's Fœdera, 115, 127.
HONORIUS, Pope, the Bull of, to Alexander K. of Scots, recommended to be re-engraved for the new Fœdera, 137.
HONOURS and Baronies, 139.
HORNE, 74.
HORNINGS and Inhibitions, Act passed concerning the Registers of, in Scotland, 47.
——— Provisions made, in 1672, for ensuring the Accuracy of the County Registers of, 203.
——— present State of the Registers of Hornings, 230, 231, 240, 245.
HORSES, the King's, Records relating to, in the K. R. Office, Exchequer, 194.
HOVEDEN, Roger de, 72.
——— Instruments copied from, by Rymer, 129.
HOUSEHOLD, Books of the, 73.
——— Copy of the Ordinance of the, 5 Edw. II. at Canterbury, 182.
——— Royal Household Accounts *t.* Hen. VII. and VIII. among the Records discovered at the Chapter House, 192.
HOWEL Dha, Laws of, 76.
HUDSON'S Bay Company, Report on, 109.
HUGH St. Bishop of Lincoln, MS. Life of, 73.
HULTON, John, of Baconstreet, Letter Missive of K. Hen. IV. for removing the Indictment of for Felony into the Common Pleas, 189.
"HUNDRED Rolls," transcript of the, in the Tower of London, ordered, 30.
——— Progress on the, reported, 31, 32, 33, 34, 35, 36, 37, 38, 39, 53, 54.
——— ordered to be printed entire, 46.
——— the First Volume of, completed, 5, 41, 54, 172.
——— Vol. II. of, ordered to be printed, 41, 54.
——— Plan for the Publication of the, 142.
——— Special Commission for the Formation of, issued 2 Edw. I. *ibid.*
——— Original Inquisition for the, where preserved, *ibid.*
——— Nature of the, *ibid.*
——— Copy of the Commiſſion for taking the Inquisitions, 144.
——— Articuli ad inquirend', *ibid.*
——— Estreats upon, 2 Edw. I. among the Records discovered at the Chapter House, 192, 194.
HUNTINGDON, Ecclesiastical Return for the County of, 34 H. 8., 149.
HUNTINGDON, Dr. a Benefactor to the Bodleian Library, 69.

I. & J.

JAMES I. K. of England, Plan for revising the Statute Law during the Reign of, 91, 92.
——— Copy of the Exemplification and order of, concerning the Six escheated Counties in the N. of Ireland, 307.
JAMES II. K. of England, Documents believed to have been carried to France after the Abdication of, 119.
JAMES I. K. of Scots, the Legislature of Scotland reformed by, 253.
JAMES II. K. of Scots, Parliamentary Proceedings in the Reign of, 168, 169.
JAMES III. K. of Scots, Agreement between, and Edward IV. in 1463, 8.
JAMES IV. K. of Scots, Design of, for giving Publicity to the Laws and Historical Monuments of Scotland, 253.
JAMES V. K. of Scots, Selection from the Acts of several Parliaments of, published in 1541, *ibid.*
——— earliest Charters of, 165.
——— Revision of the Laws and Statutes of Scotland under, 253.
JAMES VI. K. of Scotland, Acts of particular Parliaments of, 106.
ICKHAM, Peter de, 72.
IDIOTRY, Brieve of, 271.
JENA, Library of the University of, 70.
JERSEY, an Extent of the Profits of the Island of, among the Records, in the King's Remembrancer's Office in the Exchequer, 194.
JEWEL Office, Inventories of the, among the Harleian MSS. 73.
JEWELS and Plate, Indentures for the Delivery of, *t.* Edw. II. and III. among the Records discovered at the Chapter House, 192.
——— Records relating to, in the K. R. Office in the Exchequer, 194.
JEWS, "Rotuli Judeorum & Starra," *t.* Joh. & Hen. III. among the Records discovered at the Chapter House, 192.
INNER Temple Library, Petyt's Collection of MSS. in, 92, 180.
INHIBITIONS, 249.
INNES, Robert, Abridgement of a Retour of Service, relating to the Lands of, 159.
INNOCENT II. Pope, Bull of, respecting the Obedience of the Scots Bishops to the Archbishop of York, 76.

INDEX.

INNOCENT II., Pope, Fac Simile of a Bull of, recommended to be re-engraved for the new Edition of the Fœdera, 137.
INNOCENT IV. Pope, Valor of, 146.
INNS of Court, MSS. in the Libraries of the, 70.
INQUEST, Brieve of, explained, 155.
" INQUISITIONUM ad Capellam Domini Regis Retornatarum quæ in Publicis Archivis Scotiæ adhuc servantur Abbreviatio." Vol. I. II. 42, 172.
——— the Preparation of a Supplement and Indexes to, announced, 173.
INQUISITIONES ad quod Damnum, Calendar of, printed, 4, 17, 22, 23, 24, 45, 63, 172.
——— Account of the Publication and Contents of the, 63.
" INQUISITIONES Nonarum, temp. Edw. III." Transcription and Publication of, ordered, 18.
——— Progress in the Preparation of reported, 24, 26, 27, 28, 29, 30.
——— Publication of, completed, 5, 31, 32, 172.
INQUISITIONES Post Mortem, Transcript and Publication of the Calendar of, 22, 23, 24, 26, 27, 28, 33, 46.
——— First Volume of completed, 4, 30, 33, 46, 60, 172.
——— Transcript and Revision of the Second Volume of, 29.
——— Progress in, reported, 30, 31, 32, 33, 35, 36.
——— Vol. II. of completed, 34, 46, 60, 172.
——— Transcript of completed to the end of Hen. VI., 31, 33.
——— from Edw. 3. to Eliz. in K. R. O. Exchequer, transcribed, 37, 52.
——— the Repertories of, from 13 Ric. 2. corrected and enlarged, 35, 37.
——— in the King's Remembrancer's Office, collected and made accessible, 37, 39, 53.
——— further Progress in the Printing of, suspended, 60.
——— Continuation of the Calendar, announced, 134.
——— in the Duchy Office of, Lancaster, beginning 1 Hen. V. proposed to be printed, but postponed until those at the Tower and Rolls are completed, 61.
——— Officers private Indexes of places to, in the Rolls Chapel recommended to be printed, *ibid.*
——— Transcripts of those in the Tower and Rolls Chapel, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 194.
INQUISITIONES de Tutela, 271.
INROLLMENT of Statutes in Chancery, 99.
——— in an uninterrupted series from 1 Ric. III to the present Time, except only during the Usurpation, *ibid.*
——— Authority of, as compared with Original Acts, 100.
INSTRUCTIONS to Ambassadors, 72.
INVENTORIES of the Registers of Parliament in Scotland before 1567, 209, 210.
INVESTITURE, feudal Proceedings of, in Scotland, 155.
JOHN, King. *See* Magna Charta.
JOHN, K. of Scotland, Submission of, to K. Edw. I., 1294.
JOCELYNE, John, 72.
JOURNAL and Paper Office of the House of Commons, increased Accommodation provided for the, 3.
JOURNALS and Reports of the House of Commons, a Reprint of the, in forwardness, 4.
——— of Parliament. *See* Parliament.
IPSWICH, Endowment of the College at, 1. Hen. VIII. among the Records discovered at the Chapter House, 192.
IRELAND, how far benefited by the Operation of the Record Commissions, 8.
——— Survey of the Ecclesiastical Benefices of, made in 1292, *ibid.* (App. Y. 1.) 300.
——— a Commission appointed for the Records of, 8.
——— Pope Nicholas Taxation for, ordered to be transcribed, 52.
——— Extents of Knights Templars Possessions in, ordered to be transcribed, 52, 194.
——— MSS. in the Harleian Collection, relating to the History of, 76.
——— the great Sanction or Constitution of Nine made in favour of Christianity in, 77.
——— Collection of the Statutes of, printed under the Authority of Sir Henry Sidney, in 1572, 107.
——— Statutes of, abstracted from 3 Edw. II. to 13 Jac. I., by Sir Richard Bolton, *ibid.*
——— reprinted twice, *ibid.*
——— Statutes of, published in 1765, under the Inspection of the Lord Chancellor, *ibid.*
——— Promulgation of Statutes in, *ibid.*, 108.
——— English Statutes sent to, *ibid.*
——— Linen and Hempen Manufacture in, Reports upon, 111.
——— Report on Treasonable Conspiracy in, *ibid.*
——— Papers relating to the Affairs of, 1. Hen. III. Edw. III. and Hen. V., discovered at the Chapter House, 191.
IRELAND, Extents of the Possessions of the Knights Templars in, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 194.
——— Report of Searches for original Records and MS. Copies of Charters and Statutes in, (App. Y. 2.) 300.
——— Observations on the Condition, Arrangement, and future Preservation of the Records of, (App. Y. 3.) 303.
——— MS. Volume in the Office of Under Secretary for Civil Affairs in, *ibid.*
——— List of Patentee Officers in, 33 Hen. VIII. to 13 Geo. III. where kept, *ibid.*
——— Royal Letters for the Appointment of Chancellors and other Officers of State in, where preserved, *ibid.*
——— Letter from Lord Redesdale on the Records of, 307.
——— Commission for the Arrangement of Public Records in, (App. Z. 1.) 309.
——— First Report of the Commissioners of Public Records in, (App. Z. 2.) 312.
——— Extracts from the Second Report of the Commissioners, (App. Z. 3.) 316.
IRISH CHIEFS, Agreements with, where kept, 303.
ITALIAN Clergy, Articles levied against the increasing Power of the, 142.
JUDGEMENTS, Reasons and Causes of, 139.
JUDICATORIES, Provisions in the Act concerning the Regulation of, for ensuring the Accuracy of the County Registers of Hornings, Interdictions, &c. 203.
JUDICIAL Records, recently discovered in the Tower of London, 7, 185.
——— discovered among the Chapter House Records, 192.
JUNIUS, Franciscus, a benefactor to the Bodleian Library, 69.
JURIES, Entries on the Placita Rolls concerning, 139.
JURISDICTION, Decisions upon, *ibid.*
JURISDICTIONS of Regality in Scotland, 157.
——— Heritable Jurisdictions abolished, *ibid.*
JUSTICES in Eyre, Functions of the, 142.
——— early Proceedings of the, discovered among the Records in the Tower, 185.
——— Pleadings before the, Hen. III. to Edw. III., discovered in the Chapter House, 192.
JUSTICIARY, Records of the Court of, in Scotland, ordered to be transferred to the General Register House, 51, 57, 197.
——— Proceedings relating to, postponed, 61.
——— a Record of Proceedings in the Circuit Court of, ordered to be deposited in the General Register House, 195.
——— Considerations on the Proposition of this Measure, 202, 213, 217.
——— Select Proceedings of the Court of, from the Reign of James IV. preparing for the Press, 173.
——— Index wanting to the Records of, 195, 197, 207.
——— Nature of the Proceedings of the Lords Commissioners of, 201.
——— an Index to the Records of, ordered, 218.
——— Records of the High Court and of the Circuit Court of Justiciary, where kept, 230.
——— Transfer of the Justiciary Office proposed, 248.

K.

KEBLE's Edition of the Statutes at Large, published in 1676, 89.
KENILWORTH, Dictum de, 87, 139.
——— Berthelet's Translation of the, 87.
——— Register of the Priory of, 74.
KENNET, White, Bishop of Peterborough, Manuscripts of, 83.
KENT, Condition of the Ecclesiastical Valor for, 149.
KENT, Earl of, Surveys and Accounts of the forfeited Estates of, discovered among the Chapter House Records, 191.
KILKENNY Castle, Records carried to, from Waterford, 1. Cha. I. 302.
KING's Bench, Calendar and Indexes to the Records of the Court of, ordered to be printed, 17, 19, 46.
——— Petitions sent to the Justices of the, to be enrolled, 138.
——— Records of Attainder in, Progress of the Arrangement of, 19.
——— Schedules of the, completed, 23.
——— early Proceedings in the Court of, discovered among the Records in the Tower, 185.
KING's Bench, Proceedings in the, Edw. III. to Car. 2., discovered among the Chapter House Records, 192.
KING's College Cambridge, Commission for taking Artificers, 1. Ric. III. for the finishing of, 190.
KING's Inns in Ireland, Members of, 303.

INDEX.

KIRKS, Records of the Commission for the Plantation of Kirks, and Valuation of Teinds, where kept, 230.
——— Valuations of, 249.
KNIGHTS, Expences of, attending the Parliament, 139.
KNIGHTS Templars, Extents of the Possessions of the, made on the Suppression of the Order, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 7, 35, 37, 53, 194.
——— Extents of the Possessions of the, in Ireland, found in the same Repository, 194.

L.

LACOCK Abbey, Magna Carta 9 Hen. III., preserved at, 95.
LAMBERT, Mr. a Contributor to Sir Robert Cotton's MSS., 70.
LANCASHIRE, Ecclesiastical Return for, *t.* Hen. VIII., 149.
LANCASTER, Records of the Duchy of, ordered to be transferred from the Augmentation Office, 17, 45.
——— Index to the Inquisitiones Post Mortem in, beginning 1 Hen. V., ordered to be printed, 61.
——— Register of the Priory of, 74.
LANCASTER, Thomas, Earl of, 139.
LAND, Grants of, entered on the Patent Rolls, 64.
LAND FORCES and Marines, Report concerning, 109.
LAND-REVENUE, Papers relating to the, among the Records discovered in the Chapter House, 192.
LAND-REVENUE Office, Rolls transferred from, to the Augmentation Office, 4, 19, 45.
——— Arrangement and Calendar of the Records of, ordered, 17, 19, 45, 60.
LANGLEY, Manor of, committed to Farm, 185.
LANGTOFT, Peter, 72.
LANGUAGE of the Charters and Statutes, originally Latin or French, 103.
——— ——— from the Time of Hen. VII. uniformly English, *ibid.*
LANSDOWNE MSS. in the British Museum, a Catalogue of, ordered to be made, 39, 45.
——— the First Part of, containing the Burleigh Papers completed, 5, 41.
——— Continuation of the, ordered, 42, 172.
——— Account of the, 83.
LANTHONY, William of, 73.
LASCARIS, John, collects MSS. for the Laurentian Medicean Library at Florence, 71.
LATIN, the original Language of many Statutes previous to Hen. VII., 86.
LAUD, Archbishop, a Benefactor to the Bodleian Library, 69.
LAURENTIAN Library, 70.
LAWBURROWS, 249.
LAW Writers, Ancient, a systematic and uniform Edition of, recommended, 61.
LAWS, Polity, &c. of England, MSS. relating to the, in the Harleian Collection, 74.
——— of the Anglo Saxon, Danish, and Norman Kings, *ibid.*
——— expired and expiring of the United Kingdom, 112.
LAYER's Conspiracy, Report on, 109.
LEAGUES, Treaties, &c. between England and Foreign Nations, ordered by Q. Eliz. to be sorted, and Calendars of made, 114.
LE CLERC, begins the Analysis of Rymer, which was finished by Rapin, 116, 117.
——— notices a Defect of Plan in the Fœdera, 123.
——— further Account of the "Acta Regia" of, 124, 125.
LEICESTER, State of the Ecclesiastical Return for the County of, *t.* Hen. VIII., 149.
——— Castle of, committed to Farm, 185.
LEIGH, Register of the Monastery of, 74.
LEIPSIC, Library of the University of, 70.
LE NEVE, Peter, a Contributor to Lord Oxford's Collection of MSS., 71.
LESLEY, John, Bishop of Ross, suggests an extensive Compilation of the Laws and Statutes of Scotland, 253, 254, *Note* *.
LESLIE, George, Abridgement of a Retour of Service relating to Lands of, 159.
LETTERS Missive, from the King to the Lord Chancellor, and from the different Sovereigns of Europe to the Kings of England, from the Beginning of the Reign of Hen. III. to the End of the Reign of Richard III., discovered in the Tower, 6, 183, 184.
——— a Volume of, in the Progress of Publication, 185.
——— Abstracts of, 187.
LETTERS Royal, 72, 83.
——— ——— of Scotland, preserved in the Royal Collection of MSS., in the British Museum, 153.
LETTERS Royal, among the Cottonian MSS., 153.
——— ——— *t.* Hen. VIII. discovered in the Chapter House, Westminster, 191.
LETTERS, Speeches, &c. of English Kings among the Harleian MSS., 73.
——— relating to Public Affairs from 1307 to 1716, *ibid.*
LETTOU and Machlinia's Edition of the Statutes, 86.
LEWES, Battle of, 139.
LEWIS K. of France, the Agreement of, with the K. of England, to take up the Cross against the Saracens, 129.
LEYDEN, Library at the University of, 70.
LIBER de antiquis Legibus, in the Town Clerk's Office, London, described, 101.
"LIBER Contrarotulatoris de necessariis Expensis," 14 & 18 Edw. I., discovered among the Tower Records, 185.
LIBER Custumarum, in the Town Clerk's Office, London, Account of, 101.
LIBER Horn, in the Town Clerk's Office, London, 101.
LIBER Niger de Wigmore, 75.
LIBER Niger at Christ Church Dublin, Entries of Statutes in the, enumerated, 302.
LIBER Regalis, MSS. of the, 75.
LIBRARIES. List of Public Libraries and Repositories to which the Distribution of Works printed under the Record Commission is limited, (App. O.), 174.
LIBRARY, Royal, founded by K. Hen. VIII., 69.
"LIBRI Censualis vocati Domesday-Book Indices," Compilation of ordered, 4, 17, 19, 46.
——— Progress in, reported, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38.
——— completed, 4, 39, 40, 172.
"LIBRORUM MSS. Bibliothecæ Harleianæ Catalogus, Vol. I. "II. III. IV." revision and correction of, reported, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37.
——— Completion of, 4, 35, 39, 40, 172.
LICENCES entered on the Patent Rolls, 64.
LICHFIELD, History of the Monastery of, 72.
——— Register of, 74.
——— MSS. at the Cathedral of, 178.
LIFE BOAT, Mr. Greathead's, Report upon, 111.
LINCOLN Cathedral, Charters of Liberties at, 34, 95.
——— more particular account of the Charter of K. John at, 180.
——— MSS. in the Library of, mutilated, *ibid.*
——— Original Inquisitions for the Hundred-Roll of the County of, where preserved, 142.
——— State of the Ecclesiastical Valor for the County of, *t.* Hen. VIII., 149.
——— Copy of the Return for the County of, 34 Hen. VIII., *ibid.* 150.
——— Roll containing Pensions in the Diocese of, 150.
——— Papers relating to Rebellions and Treasons in, *t.* Hen. VIII., discovered among the Chapter House Records, 191.
LINCOLN's INN, early Petitions in Parliament preserved in the Library of, 106.
——— Lord Hale's MS. Copies of Rolls and Petitions at, 101.
LINDSAY, Robert, continuation of Hector Boethius's History by, 78.
LINDSAY, John, assists in the revision of the Scottish Statutes, *t.* James VI. 256. *Note.*
LINEN Manufactories, Report upon, 109.
LINEN Trade, Report on, 110.
——— Linen and Hempen Manufacture of Ireland and Flax Seed, Report upon, 111.
——— Linens, Threads, &c. Report upon Improvement in the Manufacture of, 109.
LISLE, Lord, Correspondence of, *temp.* Hen. VIII., discovered among the Chapter House Records, 191, 193.
LISMORE Castle, Records conveyed to, from Waterford *t.* Charles I., 302.
LIST of Works printed under the Orders of the Record Commission (App. N.), 172.
——— of Public Libraries and Repositories to which the Distribution of Works printed under the Record Commission is limited (App. O.), 174.
LIVERIES, Private Indexes to, in the Rolls Chapel, recommended to be printed, 61.
——— Special, entered on the Patent Rolls, 64.
LLANDAFF, State of the Ecclesiastical Valor of the County of, *t.* Hen. VIII., 149.
LLEWELLIN Prince of North Wales, Letter of, to K. Hen. III., 187.
——— Letter of, to K. Edw. I., 189.

LOCAL Registries. *See* Registries.

LODGE, MS Collection of Irish State Matters formed by, 303.

INDEX.

LONDON, Petition of the Mercerye of, 10 Edw. III., one of the earliest instances of the Use of English in Parliamentary Proceedings, 104.
——— Reports on the Port and Bridge of, 112.
——— Customs of the City of, 139.
——— Copy of the Ecclesiastical Return for, 34 Hen. VIII., 149.
——— Expenses of repairing Highways and Sewers in the City of London and Westminster, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 194.
——— Town Clerk's Office of, Charter of 25 Edw. I. confirming Magna Carta, preserved at, 95.
——— ——— Manuscript Volume in, containing Entries of antient Statutes, 101.
LONGCHAMP, William, Bishop of Ely, communicates the Letters of Vetus de Monte to Diceto, 130.
——— the Policy of his obtaining insertion for them in Diceto's History examined, *ibid.* 131.
LONGESPE'E, William, Earl of Sarum, Letter of, 187.
LORD Clerk Register. *See* Clerk Register.
LORDS, Journals of the House of, among the Harleian MSS. 73.
LOUIS Dauphin of France, Copy of the Award of, in the Dispute between K. Hen. III. and his Barons, 1263, 182.
LUNDA, Chartulary of the Monastery of, 83.

M.

MACFARLAN, Walter, an Abridgement of some of the earliest Volumes of the Record of the Great Seal of Scotland, drawn up under the Inspection of, 212.
MACHLINIA, Edition of the Statutes by, 86.
MACKENZIE, Sir George, afterwards Earl of Cromertie, holds the Office of Clerk Register, 209.
——— prepares a Petition to the Estates of Parliament in 1693, concerning the Records of Scotland, *ibid.*
MACULLOCH, Magnus, 76.
MADOX Collections in the British Museum, 134.
MAGNA Carta and Carta de Foresta printed in the new Collection of the Statutes from Originals under the Great Seal: and again amongst the Statutes 25 Edw. I., from the Entry on the Statute Roll, 94.
MAGNA Carta, an original Copy of, at Lincoln Cathedral, 95.
——— 1 and 9 Hen. III., preserved at Durham Cathedral, *ibid.* 178.
——— of 9 Hen. III., preserved by the Family of Talbot of Laycock Abbey, Wilts., 95.
——— The "Articuli Magnæ Cartæ," under the Seal of K. John, preserved in the British Museum, *ibid.*, 96.
——— a Fac Simile of, recommended for the new Edition of the Fœdera, 136.
——— Copies and Confirmation of, preserved in Gloucester Cathedral, 177.
——— at York, 180. [*See* Charters of Liberties.]
"MAGNUS Rotulus Scotiæ", 152.
MAILROS, Chronicle of, 76.
MALMESBURY, William, Treatise of, de Gestis Regum Anglorum, 72.
——— de Gestis Pontificum, *ibid.*
MAN of the Mountain. *See* Vetus de Monte.
MANDATES issued by the Kings of England respecting their Attempt to conquer Scotland, 153.
MANORS, Surveys, Extents, and Rentals of, discovered in the Chapter House at Westminster, 192.
——— Extents of, in the Reigns of Edw. I. II. & III., found among the Records in the King's Remembrancer's Office in the Exchequer, 194.
——— Bailiffs Accounts of, for the same Period, also discovered in the King's Remembrancer's Office, *ibid.*
MANSFIELD, Manor of, committed to farm, 185.
MANUSCRIPTS, Dispersion of, after the Dissolution of Religious Houses, 70.
——— Zeal of religious Houses for the Possession of, 71.
MARCELLINUS, St., MS. Life of, 73.
MARIA supra Minerva, Sancta, Library of the Dominicans of, 70.
"MARKING," Operation of, in the Records of Scotland, 224, 229, 232, 244.
MARLBOROUGH, Statute of, 177.
MARQUE, Francis de, Author of a MS. Life of K. Rich. II., 72.
MARSHALL, Earl, MSS., &c. on the Authority of the, 75.
MARSHALL, William de, Earl of Pembroke, substance of a Letter to (*t.* Hen. III.) to Hubert de Burgh, 187.
MARSHALSEA, Pleadings in the Court of, *t.* Edw. I. II. III., among the Records discovered in the Chapter House, 192.
——— Account of Profits of the Marshalsea Court, found among the Records in the King's Remembrancer's Office in the Exchequer, 194.
MARY I. "Epistolæ Mariæ, Reginæ Angliæ, ad extraneos Principes et Republicas, ab Anno 1554 ad Annum 1558," subjoined to the Hague Edition of the Fœdera, 117, 120, 136, 137.
MARY Queen of Scots, Letters and Materials relating to the History of, 76.
——— directs the Inspection and Revision of the Laws of her Realm, 106, 119.
——— Publication of the Acts of One Parliament of, in 1565, 253.
——— Commission of, for the Revision of the Scottish Statutes in 1566, 254.
MATTHEW of Westminster, the Letter of Vetus de Monte how mentioned by, 130.
MAYNARD, Serj', One of a Committee for revising the Statute Law of the Realm, 92.
MEASURES of Land, antient, 139.
MEDICEAN Library, 70.
"MEMORANDA in the Lord Treas. Rem. Office Exchequer, at Westm." Abstract of the Rolls so called ordered to be made and prepared for the Press, 30.
——— Progress in the Abstract and printing of, reported, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 54, 172.
MERCERY, Petition from the Folk of the, 20 Ric. II., an early Specimen of English, 104.
MESSENGERS, Expences of, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 194.
MIDDLESEX, Insecurity of the County Registry of, 62.
——— County Rates in, Report upon the, 109.
——— Copy of the Ecclesiastical Survey for, 34 Hen. VIII., 149.
MILAN, Ambrosian Library at, 70.
MILDRED, S', MS. Life of, 73.
MILFORD Haven, Fortification of, 109.
MINES, Papers relating to, in Cornwall, Devon, Gloucester, and Somerset, discovered at the Chapter House, 192.
——— Papers relating to the Mines in Devonshire and Cornwall discovered in the King's Remembrancer's Office in the Exchequer, 194.
MINISTERS Accounts ordered to be transferred from the Office of the Auditors of the Land Revenue to the Augmentation Office, 17, 45.
——— Ministers or Stewards Accounts of Estates belonging to the Crown, discovered at the Chapter House, 192, 194.
MINT, Papers concerning the, among the Harleian MSS. 73.
——— Roll of the Purchases of Silver in the King's Mint, 50 to 54 Hen. III., discovered in the Tower, 185.
MINT, Assays, Indentures, &c. of the, among the Records in the Chapter House, 192, 193.
——— Papers relating to Mint and Coinage, discovered in the King's Remembrancer's Office in the Exchequer, 194.
MISSENDEN Priory, Register of, 74.
MODENA, Library in the Ducal Palace at, 70.
MONASTERIES dissolved, Records in the Chapter House concerning, 52.
——— MSS. relative to the Foundation of, in the Harleian Collection, 74.
——— Returns of the, in the Office of First Fruits, 150.
——— Surveys and Visitations of, Reports of Visitors, and Surrenders of, *t.* Hen. VIII., in the Chapter House, 192, 193.
——— Papers relating to Pensions to Abbots, &c. of dissolved Monasteries, *t.* Hen. VIII., 193.
MONASTIC Records, K. Rem. Office Exchequer, Collection and Transcription of, ordered, 35, 53.
——— Progress in the Collection of, reported, 36, 37, 38, 39, 40, 41, 42, 172.
MONMOUTH, Geffrey of, 72.
MONTE Cassini, Library of the Convent of, at Naples, 70.
MONTE Oliveto, Library of, at Naples, 70.
MONTFERRAT, Marquis of, Strictures on the Letters of Vetus de Monte, concerning his Murder, 129, 130, 131.
MONTFORT, Simon, Earl of Leicester, 74.
MORTIMER, Edmund, Earl of March, Family Deeds and Evidences of, *t.* Ric. II., called Liber Niger de Wigmore, 75.
MORTANCESTRY, Brieve of, 269.
MOUNTFORD, Simon de, Rebellion of, 139.
MUNIMENTS, Private, discovered among the Records in the Tower, 7, 185.

MURDER,

INDEX.

MURDER, Appeals of, among the Placita, 139.
MURRAY, Sir Thomas, has a Licence to reprint the Acts, Laws, &c. of Scotland, 258.
——— his Edition of the Scottish Statutes copied implicitly from Skeene, 259.
MUSTERS of Men at Arms, Hoblars, &c. in various Counties, *t.* Hen. V. and VII., found among the Records discovered in the Chapter House, 192.

N.

NAPLES, ancient Libraries at, 70.
NAVAL Volunteers, Report on, 111.
NAVY, Books relating to the, 73.
——— Report on the, 110.
NAVY and Ordnance Accompts, *t.* Hen. VIII., in the Chapter House, 193.
NEVILL, John, Lord Latimer, Evidence Book of, 75.
NEWFOUNDLAND Trade, 111.
NEWNHAM, Register of the Monastery at, among the Harleian MSS. 74.
NEYLAND, Manor of, committed to farm, 185.
NICHOLAS IV. Pope, Taxation of, ordered to be printed from the Transcript in the Exchequer, 17, 46.
——— Progress in the Printing of, reported, 19.
——— completed, 5, 22, 172.
——— Account of the Publication of, (Append. L. 1.) 146.
——— Importance of the Record of, 146.
——— MSS. and original Rolls of, where, *ibid.*
——— many original Rolls of the Taxation of, in the K. R. Office, Exchequer, 146, 194.
——— Taxation of, for Ireland, transcribed, 8.
——— Account of the, 300.
NICOLSON, Bp. 71.
NITROUS Fumigation, Petition of Dr. Smith concerning, 112.
NOMINA Villarum, Rolls of, for Eight Counties, in the Lord Treasurer's Remembrancer's Office, 21, 45.
——— ordered to be transcribed, 27.
——— Transcript of, completed, 28, 34.
——— Deficiencies of the Exchequer Rolls supplied from MS. Harl. 6281; 27, 28, 29.
——— the Printing of the, postponed, 61.
——— in the Testa de Nevill, 141.
NONÆ Rolls, Transcription and Publication of, ordered, 18, 24, 46.
——— Progress in the Preparation of, reported, 25, 26, 27, 28, 29, 30.
——— Publication of the, completed, 5, 31, 32, 33.
——— Origin, Authority, &c. of the, (App. L. 2.) 146.
——— First and Second Commissions for the Formation of the, 147.
——— Third Commission, 148.
——— original Inquisitions of, *ibid.*
——— Exemplifications of, *t.* Car. I., *ibid.*
NORFOLK, State of the Ecclesiastical Return for the County of, *t.* Hen. VIII. 150.
——— a Roll containing a Return of the Sheriff of Norfolk and Suffolk of all Ships in the several Ports of those Counties 22 Edw. I., in the Tower, 186.
NORFOLK, Henry Duke of, presents his Grandfather's Collection of MSS. to the Royal Society, 70.
NORMAN Writers, the Necessity of making Extracts from, to supply the Deficiencies in Rymer, 133.
NORMANNIA. "De Navibus per Magnates Normanniæ provisis, pro passagio Ducis Willielmi in Angliam," a Fac Simile of the MS. so entitled, recommended for the new Fœdera, 136.
NORMANS, Escheats of the Lands of, 141.
NORTHAMPTON, Treaty of, in 1328, 8.
——— Article of, relating to the Records of Scotland, 248.
——— Ratification of, preserved in the General Register House, 250, *Note* †.
NORTHAMPTON, County of, State of the Ecclesiastical Return for, *t.* Hen. VIII., 150.
NORTHUMBERLAND, Earl of, Letter of Defiance from, to K. Henry IV., 72.
——— Discourses of, touching John of Gaunt, *ibid.*
NORTON and Bill, Edition of the Statutes by, 88.
NORWICH Cathedral, Copies of the Charters of Liberties at, 181.
——— a Copy of the "Sententia Excommunicationis," 37 Hen. III., at, with some remarkable Sentences at the End, *ibid.*
——— the Charters at, how preserved, *ibid.*
NORWICH Taxation, *t.* Hen. III., 146.
NOTTINGHAM, Copy of the Ecclesiastical Returns for the County of, 34 Hen. VIII., 149.
NOVA Statuta, Pynson's Edition of the, 87.
NOVA Taxatio, A. D. 1318, 146.
NOY, One of a Committee for revising the Statute Law, 91.

O.

ODO, Archbishop of Canterbury, Life of, 73.
OFFICES, Grants of, entered on the Patent Rolls, 64.
ORDEAL, Trials by, 140.
ORDERS of the Court of Exchequer at Westminster for regulating the Records in the King's Remembrancer's Office, (App. Q.) 176.
ORDERS, Holy, Reports concerning the Eligibility of Persons in, to sit in the House of Commons, 112.
ORDINANCE of the Household, 5 Edw. II., a Copy of, preserved at Canterbury, 183.
ORDINANCES, what Acts have been frequently so termed, their Nature and Validity, 97.
ORDNANCE, Books relating to the, 73.
ORIEL College, Charter of 28 Edw. I. at, confirming Carta de Foresta, 95, 180.
ORIGINAL Acts of Parliament, 100.
ORIGINALIA Rolls, Index of, to the Reign of K. Edw. II., completed, 23, 25.
——— the Printing of the, ordered, 46.
——— Progress in, reported, 25, 26.
——— the First Volume of, completed, 27, 172.
——— the Printing of the Second Volume of, suspended, 30.
——— re-ordered, 32.
——— Progress in the Printing of, 29, 30, 33, 34, 35, 36, 37.
——— the Second Volume of, completed, 37, 38, 172.
——— further Progress in the Transcription of, to the Reign of James I., 39, 41, 46.
——— Account of the Rolls so called, (App. F. 4.) 64.
ORIGINALS used by Rymer and his Continuators, sometimes ruined by a careless Application of a Solution of Galls, 127, 184.
——— many Originals and Autographs quoted by Rymer, without specific References, 128, 134.
ORKNEY and Shetland, Treaty of the Cession of, to Scotland, 1468, 8.
OSBERN, a Monk, Life of Odo by, 73.
OSWALD, St., King and Martyr, MS. Life of, 73.
——— Archbishop of York, MS. Life of, 73.
OTTOBONI, Library in the Palace of, 70.
OWEN's Abridgement of the Statutes, 87.
OXFORD. *See* Bodleian Library, Cardinal College, Christ Church, Oriel College.
——— Humphrey Duke of Gloucester, founds a Library at, 69.
——— State of the Ecclesiastical Valor for the County of, *t.* Hen. VIII., 149.
——— Earl of. *See* Harley.
OYER and Terminer, a Commission of, ordered, A. D. 1463, for the Punishment of certain Persons at Bristol, 190.

P.

PACIFICATION between Richard K. of England and Tancred K. of Sicily, in Rymer, 129.
PALACES, Castles, &c. Accounts of Expences of, *t.* Edw. IV. Hen. VIII., at the Chapter House, 193.
PANDULPH the Legate, Letters of, to Hubert de Burgh, Chief Justice, in the Tower, 183, 187.
PANMURE, Communication of the Register of the Priory of St. Andrews, from the Library of, 166.
PAPAL Bulls, among the Records at the Chapter House, 191.
PAPAL Supremacy, Papers relating to, among the Records in the Chapter House, *ibid.*
PAPER, high Price of, 112.
PARIS, Matthew, Illustration of a Passage in the History of, 187. *Note* §.
PARISH Registers, Measures relating to, carried into Execution by the Commissioners on the Public Records, 4, 18, 45.
PARKER, Matthew, Collection of Manuscripts formed by, 70.
PARLIAMENT, Summons to, from 49 Hen. III. to 21 Hen. VIII., 72.
——— Transcripts from the Rolls, Journals, &c. of, *ibid.*
——— Rolls of, omitted by Sir Robert Cotton in his Abridgement of the Tower Records, 73.

INDEX.

PARLIAMENT, Acts of, sometimes found in the Form of Charters or Letters Patent, 97.
——— Contents of the Rolls of, 98.
——— Proceedings of the House of Lords in 1758, for the better Preservation of the Records of, 99.
——— Public Acts first printed from the several Bills passed in Parliament, 7 Hen. VIII., *ibid.*
——— early Petitions in, and Answers, where preserved, 100.
——— Petitions to, 1. Edw. III. lost out of the Tower, 119, 120.
——— Rolls containing the Proceedings in, from 18 to 35 Edw. I., in the Chapter House at Westminster, 98.
——— Returns to, from the Reign of K. Hen. VI. to that of K. Cha. II., discovered in the Tower, 6, 183.
——— Transcripts of the Rolls of, 5 Edw. II. to 4 Hen. VIII. in Trinity College Library, Dublin, 301.
——— "Modus tenendi Parliamenta" among the MSS. in Trinity College Library, Dublin, *ibid.*
PARLIAMENT Office, Original Acts preserved in the, 100.
PARLIAMENT of Scotland, Inventory of the Registers of, 209.
——— Proceedings of the Three Estates of, down to 1707, 242, 252.
——— Acts of, first printed in 1541, 253.
——— an extensive Compilation of the Laws and Statutes of, suggested in 1566, *ibid.* 254.
——— ——— rapidity with which the First Volume of, was prepared, 254.
——— Selections from the Public Acts of, printed after the Accession of James VI., 256.
——— Act for revising the Laws and Acts of Scotland passed in 1592, *ibid.*
——— the Compilation of a more extensive System of Parliamentary and Judicial Proceedings among the Desiderata of Scottish Policy, 258.
——— existing Series of the Records of, commences in 1466, 260.
PARLIAMENT in Ireland, Letters to and from Ministers on the Transactions of the, 27 Hen. VIII. to 12 Eliz., where kept, 303.
——— State of the Records and Papers belonging to the Parliament House of, 305.
——— Mode of indorsing the Acts of, *ibid.*
——— Transmisses and Inrolments of Acts of the, 306.
——— Rolls of Acts of the, between 1711 and 1758, discovered, *ibid.*
PARLIAMENTARY Surveys of Ecclesiastical Benefices during the Usurpation, discovered in the Tower of London, 7.
PARMA, Library in the Ducal Palace of, 70.
PARTITIONS of Lands, among the Records in the Tower, 183.
PAROCHIAL Registers in Scotland, Regulations in the, proposed, 268.
——— Extract of a Letter upon, from the Deputy Clerk Register to John Connell Esq., 272.
——— frequent Omission of Births in the, *ibid.*
——— Outline of a Plan for the Regulation of, *ibid.*
——— Necessity of better Provision for making, in Ireland, 317.
PATENT Rolls, Calendar of the, ordered to be printed, 4, 17, 19, 45.
——— ——— completed, 22, 172.
——— from what Sources published, 64.
——— Deficiencies in the Tower Copy, how supplied, *ibid.*
——— Nature of the Calendar, *ibid.*
——— Selections from the, 83, 301.
——— Entries of Statutes on the, 100.
——— some Legislative Matters, not in the printed Collections, entered on the Patent Rolls in French, 103.
——— sometimes at Variance with Rymer in the Dates of Instruments, 120.
——— Mandates relating to Scotland, in, 153.
——— Account of Patent and Close Rolls in the Bermingham Tower, 303.
——— "Liber Inrotulamentorum Literarum Patentium sub magno Sigillo Hiberniæ annis 9, 10, 11, & 12 Car. I." among the MSS. of Trinity College Dublin, 307.
PAUL's St. History of, 72, 74.
PEACE, Officers of the Clerks of the, Recommendation concerning, 62.
PEACE and Commerce, Report on Negotiations of, 1715, 109.
PEDIGREES and Genealogies, Welsh, 76.
PEEK, Castle of, committed to farm, 185.
PEERS, Patents of Creation of, entered on the Patent Rolls, 64.
PELL, Dr. John, Papers of, in the Lansdowne Collection of MSS., 83.
PELLS Office recommended to be rebuilt, 52.
——— Examination of the Records in, postponed, 60.
PEMBROKE, William Earl of, a Benefactor to the Bodleian Library, 69.
PENAL Laws, intended Digest of, in the Time of Queen Eliz., 91.
——— Reform of the, recommended by K. James I., *ibid.*
——— Digest and Repeal of, stipulated for by the H. of Commons in 1610, *ibid.*
PENTNEYE, Prior and Convent of, Co. Norf., Letter of, to K. Edw. III., 188.
PERTH, Local Registries in the County of, 234.
PERTICA, 139.
PETER, St, Library in the Archives of the Church of, 70.
PETERBOROUGH, Hist. of the Abbey of, 72.
——— MSS. relating to the Church and Diocese of, 83.
——— no Originals, Records or Transcripts of Charters or Statutes preserved at, 181.
PETITIONS in Parliament, in the Tower of London, discovered, 7, 183.
——— ordered to be methodized, 28.
——— Progress made in, 29, 35, 36, 37.
——— among the Placita, 138, 191.
PETTY Bag, Office of, 44.
——— Sir William, Maps of forfeited Lands in Ireland, made by, 304.
PETYT, Manuscripts of, preserved in the Inner Temple Library, 92, 180.
PHILIPPS, Fabian, Work of, entitled "the Reforming Registry," 251, *Note* *.
PICKERING's Edition of the Statutes, published between 1762 and 1766, 89.
PILCHARD Fisheries, Reports on the, 111.
PIPE Office, Repairs of the, ordered, 16, 44.
PIPE Rolls, in the Lord Treasurer's Remembrancer's Office in the Exchequer, 45.
——— Roll of the 26 Hen. II. discovered, 7.
——— preserved in the Bermingham Tower, 303.
PLACITA Assizæ, Arrangement of the, 29, 31, 33, 52, 53.
——— Coronæ, the County Bags of, in the Chapter House, arranged, 31, 33, 52, 53.
——— Exercitûs, 17, 138.
——— Forestæ, 61.
"PLACITA coram Rege in Cancellaria," among the newly discovered Records in the Tower, 184.
PLACITA, Scottish Rolls of, in the Reign of John Baliol, preserved in the Chapter House at Westminster, 259.
PLACITANDI Formulæ, 74.
"PLACITORUM Abbreviatio," Orders for, and Progress of, the Transcript and Printing of, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.
——— Progress of Indexes to, reported, 37, 39.
——— completed to the End of the Reign of K. Edw. II., 5, 39, 40, 41, 172.
——— Account of the Publication of, 138.
——— Placita Parliamentaria, among the Records discovered in the Chapter House since 1800, 191.
PLEADINGS from the King's Bench, remitted to Parliament, 138.
POCOCK, Dr. a Benefactor to the Bodleian Library, 69.
POLYCRATICA Temporum, by Roger Cestrensis, 72.
PONTE S. Maxentii, Garnerius de, Life of Becket by, 73.
PONTHIEU, Treasurers Accounts of, 1. Edw. III. Hen. V. and Hen. VIII., discovered in the Chapter House, 193.
POOL, Michael de la, Letter Missive of K. Rich. II. to, 188.
POOR, Reports on the, 111.
PORSTOCK, Manor of, committed to farm, 185.
POWEL, "The Repertorie of Records," published by, in 1622 and 1631, 114.
POWLE, Henry, Selections by, from the Patents in the Tower, preserved at Trinity College, Dublin, 301.
PRAGUE, Clementine College at, 70.
——— Library of the Royal Palace at, 70.
PREROGATIVE, 139.
PRETENDER, Report of a Committee of the H. C. on Transactions relating to the, 109.
PRIMROSE, Sir Archibald, made Justice General in 1676, 208.
PRIOR, Matthew, 71.
PRIORIES of Royal Foundation. *See* Abbies.
PRIVATE Acts. *See* Acts of Parliament.
PRIVILEGE of Courts, 140.
PRIVY Council, Books of the, among the Harleian MSS. 73.
PRIVY Council in Scotland, Proceedings of the Lords of the, 40, 59, 167, 225, 231, 264.
——— Functions of the, 168, 170.
——— the Publication of the Selections from the Proceedings of, recommended, 170.
——— Progress in the Selection and Transcription of, reported, 171.

INDEX.

PRIVY Council, Reparation of the Records of the, 231, 241.
——— broken State of the Records of, 243, 244.
PRIVY Seal, Books of Docquets relative to the, 73.
PRIVY Seal of Scotland, Records of the, 230, 232.
PRIVY Seals for Benevolences and Loans, Hen. VII. & Hen. VIII. discovered among the Chapter House Records, 191.
PROBATIVE Writs, Records of, 205.
PROCLAMATIONS, 73.
——— Irish, printed, where preserved, 303.
PROMULGATION of Statutes, 112.
——————— before and since the Union of Great Britain and Ireland, 107. [*See* Ireland. Statutes.]
PROTECTORATE, Instruments during the, to be included in the new Fœdera, 137.
PRYNNE, William, one of a Committee for revising the Statute Law, 92.
——— has the Care of the Tower Records, 115.
——— publishes "The exact Abridgement of the Tower Records," *ibid.*
——— his Abstract of the Ragman Roll incorrect, 152.
PUBLIC Acts. *See* Acts of Parliament.
PUBLIC Income and Expenditure, Reports on, 112.
PULTON's Collection of the Statutes, published in 1618, 88, 93.
——— several Statutes in, translated for the first time, 88.
——— a particular Account of Pulton's Collection, *ibid.*
——— the last Edit. of his Collection edited by Manby, *ibid.*
——— the earliest Instance of an Individual, without the Sanction of Parliament, exerting himself to form a Collection of the Statutes from authentic Sources, 92.
——— his Abridgement of the Penal Statutes, and Calendar of all the Statutes in Use, *ibid.*
——— Detail of his Plan, 93.
——— Objections to the Prosecution of his Plan, made by Bowyer and Elsyng, Keepers of the Tower Records, *ibid.*
——— Statement of the Means he had for forming his Collection, *ibid.*
——— the Defects of his Publication, as a general Collection of the Statutes, *ibid.*
PUNISHMENTS for Contempts, 140.
PYE Powder, Court of, 74.
PYNSON's Collection of the Statutes before 1504, 86, 91.
——— small edition of Antiqua Statuta by, 86, 87.

Q.

QUADRILOGUS, a Life of St. Thomas Becket under the Title of, 73.
QUONIAM Attachiamenta, 253, 259.
"QUO Warranto Rolls," Progress made in abstracting the, 5, 33, 35, 36, 37, 38, 39, 41, 53.
——— Progress in the Printing of reported, 42, 172.
——— Plan for the Publication of the, 142.
——— Pleadings upon Writs of, 10 Ric. I., 140.
——————— discovered among the Records in the Tower, 185.
——————— among the Chapter House Records, 192.
——— Enumeration of the Evidences upon the Inquisitions of, 143.
——— the Statute of Gloucester founded upon the Enquiries under the Commission of "Quo warranto," *ibid.*
——— Enumeration of the County Rolls of, preserved in the Chapter House, 145.

R.

RAGMAN Roll, 152.
——— Duplicates of, at the Chapter House and Tower, *ibid.*
——— inaccurately printed by Rymer, *ibid.*
——— recommended for Publication, *ibid.*
RALEGH, Sir Walter, 72.
RAMSEY, Register of the Monastery of, 74.
RAPIN, Analysis of Rymer's Fœdera by, 116, 117.
——— Plan of his Analysis, 124, 125.
RASTALL, John, Translation and Abridgement of the Statutes, by to 11 Hen. VII., 86.
RASTALL, or Rastell, William, publishes his first Edit. of a Collection of all the Statutes in 1557, 87.
——————— reprinted in 1579 and subsequent Years, *ibid.*
——————— careful Revisions in from Time to Time, 88.
——— the English Edition of the Statutes 1618, usually called Rastall's, 88.
READING, Register of the Monastery of, 74.
READING, Robert de, 72.
READINGS, various, of the Statutes, 96.
——— how suggested, 102.
REBELLIONS and Treasons, Papers relating to, in Yorkshire and Lincolnshire, *temp.* Hen. VIII., discovered among the Chapter House Records, 191.
RECORD, Books of, 100.
RECORDS, Public, Origin of the Commission on, and general course adopted by, 1.
——— First and Second Record Commissions. (App. B. 1, 2.), 12, 14.
——— New Commission on, 23 May 1806, 2.
——— Sub-Commissioners for the, appointed, *ibid.*
——— Business of the Commission, how conducted, *ibid.* 3.
——— Measures recommended by the H. of Commons, how divided, 3.
——— Works printed by order of the Commissioners, 4.
——— Distribution of the Works published under the Authority of the Commissioners, 5, 6.
——— Consequences resulting from the Operation of the Commissions, 6.
——— Address of the House of Commons to His Majesty, 11th July 1800, on the State of the, (App. A.), 11.
——— Annual Reports of the Commissioners, (App. C.), 16. &c.
——— Account of the Sums issued annually to the Commissioners, and disbursed by them from 1801 to 1812 inclusive, (App. D.), 43.
——— Measures executed in England and Scotland, under the first and Second Record Commission, (App. E. 1.), 44.
——————— under the Head of, 1. Buildings, 44.
——————— 2. Calendars and Indexes, 45.
——————— 3. Transfers, *ibid.*
——————— 4. Printing, *ibid.*
——————— Selection of Records and Papers, 46.
——————— Statutes of the Realm, 46, 55.
——— Proceedings relative to Scotland, 17, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 47, 56, 61, 195.
——— Measures in Progress in England and Scotland, 1812. (App. E. 2.), 52.
——————— 1. Buildings, *ibid.*
——————— 2. Calendars and Indexes, *ibid.*
——————— 3. Printing, 54.
——— Measures on, postponed, (App. E. 3.), 60.
——— Measures recommended, but not within the Power of the Commissioners. (App. E. 4.), 62.
——— Report of the Commissioners to H. R. H. the P. Regent, 84.
——— Reports from Committees of the House of Commons on, 112.
——— Committees appointed in 1718 by the House of Lords, for the Examination of, 116.
——— Commission relating to, 17 Edw. II., 140.
——— Plan of the Collection of English Records illustrative of Scottish History. (App. I.), 151.
——— Progress in the Execution of the Orders of His Majesty's Commissioners on the Public Records, so far as relates to Scotland, 161, 164, 165, 169, 171.
——————— List of Works printed by the, 172.
——————— List of Works printing or transcribing for the Press under the Orders of the Commission, 172, 173.
——— Number of Copies of the different Works printed by the 173.
——— List of Public Libraries and Repositories to which the Distribution of Works printed under the Record Commission is limited. (App. O.), 174.
——— Report of Searches for, in the Universities, Cathedrals, and other public Repositories in England, (App. R.), 177.
——— Report of the several Public Records, &c. discovered in the Tower since the beginning of 1804. (App. S.), 183.
——— Report of Records, discovered in the Chapter House at Westminster since 1800, (App. T.), 191.
——— Report of Records discovered in the Office of the King's Remembrancer in the Exchequer, (App. U.), 194.
——— Proceedings of the Commissioners toward carrying into Effect the Measures recommended for Scotland, (App. V.), 195.
——— Bill proposed for regulating the Records of Scotland, 48.
——— Account of the Inventory of Records in 1676, in the Custody of the Lord Clerk Register, 197.
——— Scottish Records in the Tower of London relating to private Right ordered in 1657 to be sent back to Scotland, 208.
——— Account of the General Establishment for the Formation and Custody of, 214, 215.
——— Unity and Connexion in the various Departments of the Public Records in Scotland, 223.
——— Transmission of, to the General Register House, how accomplished, 224.

INDEX.

RECORDS. Materials on which the Public Records are written in Scotland, regulated by the Lord Clerk Register, 227.
——— Regulations concerning the Writing of, *ibid.*
——— where kept, before the Erection of the General Register House, 231.
——— A Bill introduced into Parliament for better regulating the Records of Scotland, 232.
——— early Records missing, 243.
——— General Records of Scotland, 247.
——— carried away after the Death of Alexander III., 248.
——— formerly kept in Edinburgh Castle, *ibid.*
——— of public Instrument or Record of Scotland anterior to the Accession of Robert Bruce, *ibid.*
——— Stipulation concerning, ineffectually attempted at Stirling Castle in 1651, 249.
——— Restoration of the, in 1653 and 1657, *ibid.*
——— Eighty-five Hogsheads of, lost in their Passage from England, *ibid.*
——— Inventory of, made in 1676. *ibid.*
——— some of the, embezzled in Cromwell's Time by Individuals. *ibid. Note* §.
——— neglected State of, in 1740 and 1753, 250.
——— Examination of the, *ibid.*
——— Defects in the Preparation of, 251.
——— Commission for the Arrangement of, in Ireland, (Appendix Z. 1.) 309.
——— First Report of the Commissioners on, (App. Z. 2.), 312.
——— Extracts from the Second Report of the Commissioners, (App. Z. 3.), 316.
RED BOOK of the Exchequer at Westminster, Publication of, recommended, 61.
——— compiled by Alexander de Swereford, 100.
——— Contents of, *ibid.* 177.
RED BOOK of the Exchequer at Dublin, 95, 100, 300.
——— English Statutes entered in the, 100, 301.
——— Sir R. Boltons inaccurate Notice of, 302.
RED COUNCIL Book of Ireland, Contents of the, 307.
REDESDALE, Lord, Letter of, on the Records of Ireland, (App. Y. 4.), 307.
REFORMATION, MSS. concerning, in the Harleian Collection, 74.
REGALITY, Local Jurisdictions of, 157.
——— the Lord of, authorized to have a Capella or Chancery of his own, *ibid.*
REGIAM Majestatem, 106, 259.
——— Reform of the, *t.* James I. of Scotland, 253.
——— in 1566, 254, *Note* *.
——— Publication of, by Skeene, 257.
REGISTER Books in the Parliament House of Scotland, ordered to be inventoried in 1676, 208.
——— a new Inventory of, framed about 1701, 210.
REGISTER of the Great Seal of Scotland, 47, 199, 261.
——— Progress in the Abridgement of the, 164, 165, 262.
——— Injuries at different Periods received by the, 261.
——— Objects to which the Publication of may be made subservient, enumerated, 262.
REGISTER House, General, of Scotland, Records in, newly arranged, 3, 7.
——— Proceedings upon Special Commissions for Trial of High Treason in Scotland, in 1794, &c. transferred to, 17.
——— Regulations in the, 34, 47, 218, 225, 229, 230, 231, 241, 242, 245, 251.
——— Inventory or Repertory of detached Charters in, completed, 49, 212.
——— Records of Teinds, Tailzies, and of Inventories, ordered to be transmitted to, 4, 47, 50, 196, 197, 225.
——— all the Clerks within the Kingdom of Scotland, directed by Act of Parliament in 1685 to deliver in their Registers every ten Years, 50.
——— altered to every Five Years, 196, 215.
——— Observations on this Measure, 214, 215.
——— Records of the Court of Justiciary, ordered to be transferred to, 51.
——— Progress and Completion of a General Repertory to, 34, 56, 196, 197, 198, 207, 210, 211, 226, 232.
——— detailed Report of the Deputy Clerk Register as to Inventories of the Records in, formerly made, 208, 209.
——— Original Retours of Services preserved in, 161.
——— Duplicates of all Deeds passing the Great Seal of Scotland, to be deposited in the, 195.
——— a Record of the Proceedings in the Circuit Court of Justiciary to be deposited in, *ibid.*
——— the Transmission of Public Records to, how accomplished, 224, 243.
——— the Record of Retours not transmissible to, 229.
——— Distribution of the Apartments in the, 230.
REGISTER House, General, Deficiency in the Funds of the, 23 238, 241, 245.
——— the oldest judicial Record preserved in, 231, 248.
——— Mode of warming the Apartments of, 247.
——— Decreets of the Court of Session preserved in, 251.
——— Regulations in the Mode of framing various Classes of Records transmissible to, 264.
REGISTERS of Hornings, Inhibitions, &c. Provisions for the Inspection of, 203.
——— Interference of the Lords of Session concerning, 204.
REGISTRATION, in Scotland, Measures recommended concerning, 48, 195, 197, 217.
——— Regulation of the Act of, 199, 200.
——— Consolidation of the Three Offices of, projected, 247.
——— System of, in Scotland, in the Seventeenth Century, reprobated by Fabian Philipps, 251, *Note* *.
REGISTRIES, Local, in Scotland, Reports concerning, 47, 56, 198, 206, 229, 233.
——— Explanations of the present State of the, 234, 240.
——— Number of the, 234.
——— Right of keeping, and Distribution of, *ibid.*
——— Amount of the Profits of, *ibid.*
——— Modification and Regulation of, proposed, 265, 266.
"REGISTRUM Magni Sigilli Scotiæ:" Progress in printing the, reported, 42, 173.
"REGISTRUM Novum," at Christ Church, Dublin, Account of, 302.
REGISTRY General, in Ireland, State of the, 317.
RELEYE, Manor of, committed to Farm, 185.
RELIEFS, Books of, among the Harleian MSS., 73.
RELIGIOUS Houses, Zeal of, for the Possession of MSS., 71.
——— Papers relating to the Dissolution of, among the Harleian MSS., 74.
REMEMBRANCER's Office, King's. *See* Exchequer.
REMEMBRANCER's Office, Lord Treasurer's. *See* Exchequer.
"REPERTORIE of Records," published in 1622 and 1631, by Powel, 114.
"REPERTORIUM Magnum Ecclesiæ Cathedralis Dunelm," 178.
REPORT of Searches for original Records and Manuscript Copies of Charters and Statutes preserved in the Universities, Cathedrals, and other Public Repositories in England, (App. R.), 177.
REPORTS from Committees of the House of Commons, Series of, upon Public Matters, 1715—1802. (App. H.), 109.
REPORTS, Law, among the Harleian MSS., 74.
"RERUM Anglicarum Scriptores post Bedam præcipui," 129.
RESTORATION of the Records of Scotland in 1653 and 1657, 249.
RETOURS of Seisins, the Transfer of, to the General Register House, recommended, 264.
RETOURS of Services, Index to, and Services of Heirs in Scotland, Specimen of prepared, 30.
——— Progress in the Abridgement of the, 34, 38, 57, 58, 161, 232, 246, 262, 263.
——— Completion of the, 242.
——— Plan of the Abridgement of the, (App. M. 2.), 155.
——— Observations on the peculiar Nature of, *ibid.*
——— supposed to be of recent Date, 156.
——— the Formation of a Register of, begun by Sir John Scott of Scotstarval, 156.
——— Account of the Collection of, in the Chancery of Scotland, *ibid.*
——— Utility of the, 157.
——— proposed Arrangement of the, *ibid.*
——— Abstract of a few Services of Lands in the County of Aberdeen, 158, 159.
——— the Year 1681 forms a noted Era in the History and legal Importance of, 160.
——— complex Retours of Services of frequent occurrence, *ibid.*
——— original Retours preserved in the General Register House, 161.
——— State of the older Volumes of, 225.
——— the Record of, not transmissible to the General Register House, 229.
——— Preface to the Abridgement of the, 269.
——— Importance of the Records of, 270.
——— Mode of Arrangement followed in the, 271.
REVENUE, Land, Papers relating to the, among the Records discovered in the Chapter House, 192.
REVERSIONS, Act of Sederunt relating to, 47.
RICHARD I., MS. Life of, 72.
——— Deed and Instruments of, in Rymer's Fœdera, copied from the old Historians, 129.
——— his Defence of himself from the Imputation of having murdered the Marquis of Montferrat, 130.
——— Fac Simile of the Convention of, with Baldwin Earl of Flanders, 136.

INDEX.

RICHARD II., MS. Life of, by Francis de Marque, 72.
——— Statutes of, almost universally in French, 104.
——— Cession and Renunciation of the Crown by, first in Latin, and afterwards in English, *ibid.*
——— Substance of a Letter Missive of, to Michael de la Pool, the Chancellor, concerning the Invasion of the Scots, 188.
——— his Letter to the Abp. of Canterbury directing a Commission for one Richard de Lone, Mason, to take such Workmen, &c. as he might stand in need of, for the making of Canon Balls, *ibid.*
——— Letter Missive of, dated 13 Sept. concerning the Mortality in the Marches of Boulogne and Calais, 189.
——— Will of, discovered among the Records found at the Chapter House, 193.
RICHARD III., Register of Grants under the Privy Seal during the Reign of, 73.
——— Statutes of, originally published in French, 90, 91, 104.
——— Sessional Publications of the Statutes begin in his Reign, 108.
——— Letter Missive of, concerning Artificers for finishing the Chapel of our Lady and St. Nicholas (now King's College Chapel, Cambridge), 190.
——————— concerning a safe Conduct for the Abp. of St. Andrews, with Forty Persons on Horseback, to pass to Rome, *ibid.*
——————— concerning Letters of Pardon, &c. for Sir Ralph Hastings, *ibid.*
RICHMOND, Return relating to the Archdeaconry of, Co. York, 150.
RIGHT, progressive Answers to the Petition of, 3 Car. I., 88.
——— Writs of, 140.
ROBERT I., K. of Scotland, Precept extant for proclaiming and publishing the Statutes of, 108.
——— only One Roll of Charters granted by, remaining in the General Register House, 162.
——— Charters of, extant in the Reign of James VI., 249.
ROBERT II. K. of Scotland, what Records of the Reign of, remaining, 162.
ROBERT III. K. of Scotland, but One Roll of Charters in the Reign of, remaining in the General Register House, 162.
ROBERT of Gloucester, 72.
ROBERT, St., Bishop of Hereford, 73.
ROBERTUS Montensis, 72.
ROCHESTER Cathedral, Textus Roffensis at, 94, 181.
——— State of the Valor for the Diocese of, *t.* Hen. VIII. 149.
ROE, Sir Thomas, a Benefactor to the Bodleian Library, 69.
ROCKINGHAM Castle committed to farm, 185.
ROFFENSIS, Textus, 181.
ROLLS, containing Pleas, Petitions, Answers, and other Proceedings in Parliament, preserved at the Chapter House, 100.
——— Close, Patent, Fine, and Charter, preserved at the Tower, 100.
——— Miscellaneous, from the Time of K. John to that of Queen Elizabeth, discovered in the Tower, 184.
——————— Specimen of a Calendar of, 185, 186.
ROLLS Chapel, Selections from, Supplementary to Rymer, reported to be finished, 55.
——— Reports concerning the private Indexes to the Records of, 61, 62.
——————— Inrollments of Acts at, from 1 Ric. III., except during the Usurpation, 99.
——————— how made up and deposited at, *ibid.*
——— Collections made from, for the Continuation of the Fœdera, 134.
ROLLS Office, in Ireland, State of the, 305.
——— Calendars and Contents of the Rolls in, *ibid.*
——— Arrangement of the Records at, 316.
ROLLS of Parliament contain many Statutes and Ordinances not inserted in the Statute Books, 97.
——— Contents of the, 100.
——— preserved in an almost regular Series to the End of Edw. IV. in the Tower, *ibid.*
——— supplied from 1 Ric. III., by the Inrollments of Chancery, and the Journals of Parliament, *ibid.*
ROME, Enumeration of old Libraries at, 70.
RONCTON, Register of the Priory of, 74.
ROTULI Hundredorum, Vol. I. temp. Hen. III. & Edw. I, finished, 5, 41, 54, 172.
——————— Vol. II. ordered to be printed, 41, 54.
" ROTULI Judeorum, & Starra," *t.* Joh. & Hen. III., among the Records discovered at the Chapter House, 192.
ROTULI Scotiæ, 5.
——— the Examination and Transcript of, recommended, 151, 152.
——— Progress in the Printing of reported, 33, 34, 36, 37, 38, 40, 41, 42, 55, 172.
——— a Supplement recommended for, from the Patent, Close, and other Rolls in the Tower, 152.
——— Two " Rotuli Scotiæ," preserved in the Chapter House, Westminster, *ibid.*
——— " Magnus Rotulus Scotiæ," *ibid.*
——— Ragman Roll, *ibid.*
——— entire Copies of the Rotuli Scotiæ, ordered, 153.
——— Report upon the Contents, Method, and Uses of the Rotuli Scotiæ, *ibid.*
——— Data to be obtained from the, 154.
——— the First Volume of, proposed to close with Edw. III.'s Reign, *ibid.*
" ROTULORUM Originalium in Curia Scaccarii Abbreviatio," Vol. I. & II., Progress in the Printing of, reported, 25, 26, 29, 30, 34, 36.
——— the Volumes of, completed, 27, 38, 172
ROTULUM Wintonie, 140.
ROYAL Charters of Scotland, Abstract of the, ordered, 57, 197.
——— Plan of the Collection of, 162.
——— Progress reported in the Collection, Transcription and Printing of, 164, 212.
ROYAL Letters from Henry VIII. to Cha. I., among the Harleian MSS. 73.
——————— in the Lansdowne Collection, 83.
——————— among the Cottonian MSS. 153.
ROYAL Society, Collection of, MSS. bequeathed to the, by the Duke of Norfolk, 70.
RUDBURNE, Thomas, 72.
RUDDIMAN, Thomas, the Scottish Royal Letters incompletely edited by, 153.
RUFFHEAD's Collection of the Statutes, published between 1762 and 1769, Account of, 89.
RUFFORD, Register of the Monastery of, 74.
RUSHWORTH, John, one of a Committee for revising the Statute Law, 92.
RUSSEL, Patrick, the Interpolator and Continuer of Fordun's Scoto-Chronicon, 76.
RUYSBANK, Tower of, 186.
RYCAUT, Sir Paul, Papers of, among the Lansdowne MSS., 83.
RYE and Dover Harbours, Improvement of, 109.
RYMER, Thomas, recommended to Lord Oxford by the Earl of Halifax, 115, 122.
——— Liberty of Access to the different Repositories of public Records granted to, by Warrant, 115.
——— Death of, *ibid.*
——— unedited Papers of, 134. [*See* Fœdera.]

S.

St ANDREWS, the Register of the Priory of, in the Library of Panmure, 166.
——— Letter Missive of K. Richard III. for a Safe Conduct for the Abp. of, and Forty Persons on Horseback, to pass to Rome, 190.
St ASAPH, State of the Ecclesiastical Return for the Diocese of, *t.* Hen. VIII. 149.
St DAVID's, Acts, &c. of the Bishops of, 76.
——— Copy of the Ecclesiastical Return for, *t.* Hen. VIII., 149.
St EDMUND'S Bury. *See* Bury.
St JOHN's College, Cambridge, curious MS. of the Statutes at, 180.
St SEVIN, Abbé, collects for the Royal Library at Paris, 71.
SAINTS, Lives and Canonizations of, among the Harleian MSS. 73.
SALISBURY Cathedral, no Originals, Records, or MS. Transcripts of Statutes found at, 177.
——— no Memory preserved of the original Charter of K. John at, referred to by Tyrrell and Burnet, *ibid.*
SALOP, State of the Ecclesiastical Return for, *t.* Hen. VIII. 149, 150.
SALT Duties, Reports on, 111.
SANBACH, Judgement relating to the Church of, 140.
SANCTO Bertino, Gotselinus de, writes the Lives of the Seven first Archbishops of Canterbury, 73.
SANDERSON, Robert, appointed to assist Rymer in the Fœdera, 114, 115.
——— the Reimpression of the last Eight Volumes of the Second Edition of Rymer attributed to him, *ibid.*

INDEX.

SAVILL, Sir Henry, a Benefactor to the Bodleian Library, 69.
——— "Rerum Anglicarum Scriptores," published by, 129.
SCHEVEZ, William, Abp. of St. Andrews, 76.
SCIRE Facias Writs of, among the newly discovered Records in the Tower, 184.
SCOBELL's Collection of Acts, from 1640 to 1656, published, 88.
"SCOTIA," Records intituled, in the Chapter House, arranged, 51, 52, 193.
——— ordered to be compared with Sir Joseph Ayloffe's printed Catalogue, 196.
SCOTLAND, Rotuli Scotiæ in the Tower of London, Abstract of, nearly completed, 5.
——— Progress of, in the Press, reported, 33, 34, 36, 37, 38, 40, 41, 42, 55, 172.
——— a Supplement to the "Rotuli Scotiæ" recommended, 152.
——— Report upon the Contents, Method, &c. of the Rotuli, 153.
——— Abridgement of the Retours of Services in, from 1546 to 1700, published by order of the Commissioners, 5.
——— Progress and Completion of the Work reported, 30, 34, 38, 57, 58, 161, 232, 246, 262, 263.
——— Old Map of, in Hardyng's Chronicle, 72.
——— Manuscripts in the Harleian Collection relating to, 76.
——— a Selection of the Royal Charters of, in the Press, 5, 126.
——— Records of the Privy Council of, examined, and a considerable Portion of their Contents selected and transcribed for the Press, 5.
——— beneficial Effects of the Measures taken by the Commissioners in, 7.
——— an Act passed for better regulating the public Records of, *ibid.* 233.
——— Treaties and other Transactions between the Crowns of Scotland and England, recently discovered, 8.
——— Treaties between the Sovereigns of Scotland and France, discovered, *ibid.*
——— Transactions between the Crowns of Scotland and Denmark, discovered, *ibid.*
——— Parliamentary Records of, and antient Royal Charters, ordered to be printed, 17.
——— Progress in the Preparation of, reported, 20, 22, 23, 26, 30, 31, 34, 36, 38, 40, 42, 58.
——— further Progress in, suspended, 58.
——— Proceedings upon Special Commissions for Trial of High Treason in, in 1794, &c. ordered to be transferred from the Crown Office K. B. to the General Register House, 17.
——— a more regular and complete Collection undertaken of the Statutes and Proceedings of the Parliament of Scotland, 5, 27, 34, 38, 42, 59.
——— Acta Dominorum ad Causas audiend', 5, 38, 40, 41, 59, 167, 168, 169, 260.
——— ——— ——— Concilii, 5, 38, 40, 59, 167, 260.
——— Acta Parliamentorum Scotiæ, 5, 59, 167, 173.
——— Reg. Mag. Sig. Regum Scotiæ, Progress of, 42, 173.
——— Abbreviatio Registri Magni Sigilli (Specimen), 42.
——— "Inquisitionum ad Capellam Domini Regis Retornatorum quæ in publicis Archivis Scotiæ adhuc servantur Abbreviatio," Vol. I. and II. completed.
——— Acts of Sederunt passed by the Lords of Session, for the Regulation of different Records, 47.
——— Act concerning the Transmission of the Books of Sederunt of the Court of Session to the General Reg. H. in Scotland, *ibid.*
——— Act concerning the Register of the Great Seal of, *ibid.*
——— Act passed concerning the Registration of Deeds, Probative Writs, and Instruments of Protest in the Books of Council and Session, *ibid.*
——— Regulation of the Act concerning Registrations, 199, 200.
——— Regulations in the Registries of, 47, 55, 56, 198, 206, 229, 233, 265, 266.
——— Act passed concerning the Registry of Seisins, Reversions, &c. 47.
——— Act concerning the Regr. of Hornings, *ibid.*
——— Act concerning the Regr. of Abbreviates of Adjudications, *ibid.*
——— Authentication to be made of Duplicates of all Deeds passing the Great Seal of, 48.
——— Measures recommended concerning the Records of the Sheriff's Court in, *ibid.*
——— no Deeds to be recorded in the Commissary Courts, *ibid.*
——— an Act passed May 12, 1809, for better regulating the Public Records of, *ibid.*
——— an Apartment provided for the Great Seal Office of, 49, 196, 207, 217.
——— Buildings of the Court of Exchequer in, rendered more secure, 49.
SCOTLAND, a Record of the Decrees in the Admiralty Court of, ordered to be framed, 48.
——— Warrants of the Great Seal of, ordered to be delivered into the General Register House, 50, 216.
——— Proceedings relating to the Records of the High Court of Justiciary in, 51, 57,
——— Records of the Privy Council in, ordered to be transferred into the General Register House, 51.
——— Insecurity of the Records in the Sheriff's Offices of, 56.
——— Index to the Records in the Chancery Office of, proposed, 57.
——— Reports concerning the Great Seal, and Exchequer Records of, *ibid.*
——— Records lodged in His Majesty's Offices of Record in England exclusively regarding the internal Policy and Laws of Scotland, ordered to be transferred to the General Register House, Edinburgh, 58.
——— a Plan for the Publication of the Parliamentary Records of, reported on, 59.
——— of the Collections of the Statutes of Scotland published by Royal or Parliamentary Authority, 106.
——— First Collection of the Statutes of, from 1424 to 1564, published in 1566, *ibid.*
——— a Parliamentary Commission issued in 1592, for revising and printing the Laws of, *ibid.*
——— other Commissions for surveying the Laws of, *ibid.*
——— Collection of Statutes published in, by Authority, *ibid.*
——— old Editions of the Statutes of Scotland, contain Selections only from the Records of Parliament, 107.
——— Promulgation of Statutes in, *ibid.*
——— Acts of Parliament of, anciently entered on the proper Record by the Lord Clerk Register, 108, 223.
——— earliest printed Publication of Statutes in, 108.
——— Report concerning the Ministers of the Church of, 109.
——— Distilleries, Reports upon, in, 112.
——— Reports on the Royal Burghs of, *ibid.*
——— Plan of the Collection of English Records illustrative of Scottish History, (App. M. 1.), 151.
——— Enumeration of English Repositories containing Documents illustrative of Scottish History, 152.
——— Records illustrative of the disputed Succession to the Crown of, *ibid.*
——— ——— in the Tower of London, *ibid.*
——— ——— in the Chapter House, Westminster, *ibid.*
——— ——— in the British Museum, 153.
——— ——— decaying State of those in the Chapter House, *ibid.*
——— "Liber A." an important Record in the Chapter House concerning the Affairs of Scotland in the Reign of Edw. I., *ibid.*
——— Records of, posterior to 22 Edw. IV., in the Chapel of the Rolls, *ibid.*
——— Plan of the Abridgement of Retours of Services in, (App. M. 2.), 155.
——— the Records of Chancery in, burnt before 1550, 156.
——— State of Progress in the Execution of the Orders of His Majesty's Commissioners on the public Records, as far as relates to Scotland, 161, 164, 165, 169.
——— Plan of the Collection of Royal Charters of, (App. M. 3.), 162.
——— Instruments and Inventories relative to the public Muniments of Scotland, preserved in the Tower of London and Chapter House, *ibid.*
——— Access granted to the Archives of the Royal Burghs of Scotland, for the Purposes of the Record Commission, 163.
——— Plan for Publication of the Parliamentary Records of Scotland, (App. M. 4.), 167.
——— Plan for Publication of the Records of the Privy Council of Scotland, (App. M. 5.), 170.
——— List of Works illustrating the History and Affairs of, in the Press, *ibid.*
——— Progress in printing the "Registrum Magni Sigilli Scotiæ," reported, 173.
——— Papers relating to the Contest and Award between Bruce, Bailliol, and the other Competitors for the Crown of Scotland, discovered in the Chapter House, 191.
——— Pleadings and Petitions of the Parliament of Scotland, discovered among the Chapter House Records, *ibid*, 193.
——— Proceedings of the Commissioners toward carrying into Effect the Measures recommended for Scotland, (App. V. 1.), 193.
——— Duplicates of Deeds which pass the Great Seal of Scotland, to be deposited annually in the General Register House, *ibid.*
——— Fees and Emoluments assigned to the Officers employed in the Record Offices of, 196.

INDEX.

SCOTLAND, Abstract ordered of all the Royal Charters of Scotland, which exist, 197.
——— Parliamentary Records and Royal Charters of, ordered to be printed, *ibid.*
——— Report made on the public Records of, in 1676, 208.
——— Report of Proceedings in Scotland 30th November and 21st December 1807, in a Conference of the Law Officers, 219.
——— Unity and Connection in the various Departments of public Records in Scotland, 223.
——— Royal Archives of, swept away after the Death of Alexander III., 248.
——— Records of, formerly kept in Edinburgh Castle, *ibid.*
——— ineffectual Attempt at Stirling in 1651 for the Preservation of the public Records of, 249.
——— Restoration of the Records of, in 1653 and 1657, *ibid.*
——— numerous Records of, lost at Sea, *ibid.*
——— Records of the Parliament and Secret Council of, preserved, *ibid.*
——— Attempts in the XIVth, XVth, and XVIth Centuries, to rescue the more ancient Laws of, 253.
——— Acts of Scotland first printed in 1541, *ibid.*
——— an extensive Compilation of, suggested in 1566, 254.
——— the Revision of, projected during the E. of Morton's Regency, *ibid.*
——— Revision of the Laws of, projected during the Regency of the Earl of Morton, *ibid.*
——————— again under James VI. in 1592, 256.
——— another Revision projected under the Reign and Sanction of King Charles I., 258.
——— the Traces of Proceedings under the Commission by which it was ordered, obliterated, *ibid.*
——— original Records of, prior to the Reign of Robert Bruce, lost, 259.
——— mutilated State of the early Parliamentary Records of, 259, 260.
——— Progress in preparing a Volume of the Parliamentary Proceedings of, reported, *ibid.*
——— Select Collection of ancient Royal Charters of, *ibid.*
——— "Compota Camerarii Scotiæ," & "Compota Thesaurarii," among the Records of, deserving Publication, 263.
——————— Importance of these Records to the Annals of Scotland, *ibid.* 264.
——— Report on the County Records of, 265.
——— Proceedings of the Faculty of Advocates concerning the Statute Law of, 296.
——— Papers relative to a new and complete Edition of the Scottish Acts, 297.
SCOTS, Incursion of the, into Durham and Yorkshire, 139.
——— invade England, *t.* Ric. II., 188.
SCOTS College, in Paris, some of the Muniments of the Church of Glasgow, deposited at, 166.
SCOTT, Sir John, of Scotstarval, forms a Collection of Retours of Services, 156, 270.
SCUTAGES, Aids, &c. 141.
SEAL, Great, of Scotland, Register of, 47.
——— Progress in the Abridgement of, 164, 165.
SEARCHES, Regulations concerning, in the King's Remembrancer's Office, 176.
——— Report of, for original Records and Manuscript Copies of Charters, and Statutes, preserved in the Universities, Cathedrals, and other public Repositories in England, (App. R.), 177.
SEARLE, Sir John, Letter Missive to, from K. Hen. IV., 189.
SECRET Council, Acts and Proceedings of the, in Scotland, from 1513 to the Union, Preparation of, for the Press, suspended, 173.
——— Account of the Records of the, 263.
——— Preservation of the Registers of, 251.
"SECUNDA Pars veterum Statutorum," 87.
SEDERUNT, Acts of, passed by the Lords of Session in Scotland, for the better Regulation of different Records, 47.
——— Specimen of the, from 1532, prepared for the Press, 173.
——— Books of, from 1553, where deposited, 225.
SEGRAVE, Chartulary of the Honour of, 75.
SEISINS, Reversions, &c. in Scotland, Act passed concerning, 47.
——— State of the Registers of Seisins, 229, 240, 251.
——— General Register of, where kept, 230.
——— Account of the Registers of, 233, 251, 267.
——————— abrogated by the Scottish Convention of Estates in 1609, 252. *Note.*
——————— re-established in 1617, *ibid.*
——— Indexes to the Registers of, completed, 264.
——— the Transfer of the Retours of, to the General Register House, recommended, *ibid.*
SELDEN, John, a Benefactor to the Bodleian Library, 69.
SELLEYA, Register of the Monastery of, 74.
"SENTENTIA Excommunicationis in Transgressores Cartarum, A. D. 1253," an Exemplification or Transmiss of, preserved at Wells Cathedral, 177.
——— Peculiarities of this Exemplification, *ibid.*
——— supposed to have been transmitted to the several Cathedrals of the Kingdom, 178.
——— a Copy of, at Norwich, with some remarkable Sentences at the End, 181.
SERJEANTIES, Account of, 141.
——— Historical Account of, among the Harleian MSS., 74.
SERVICE, General, in Scotland, 155.
——— Deficiences in the Register of General Services accounted for, 157.
SERVICE in Special, according to the Law of Scotland, explained, 155.
——— Deficiences in the Register of, accounted for, 157.
SERVICES, Roll relating to, among the new discovered MSS. in the Tower, 185.
SESSION, Court of. *See* Court.
SESSION, Lords of. *See* Council.
SESSIONAL Publications of Statutes, the earliest in England, 1 Ric. III., 108.
——————— in Scotland, A.D. 1540-1, *ibid.* 256.
——————— ——— in Ireland, *t.* Car. I., 108.
SEVERINI, St., Library of the Convent of, 70.
SEYMOUR, Sir John, Surveys and Accounts of the forfeited Estates of, found among the Chapter House Records, 191.
SHAFTESBURY, Register of the Monastery of, 74.
SHEEKH ul Jibel, Strictures on the Letter from to the Duke of Austria, 129, 130.
——— Bromton inserts a Second Letter of, in his History, 130.
——— Diceto, the first Authority for these Letters, *ibid.*
SHEEP, Wool, &c., Reports on, 109, 112.
SHERIFF's Accounts, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 194.
SHERIFF's Court, Record of Decrets in, to be made regularly and completely, 48, 195.
——— Court, the Record of Deeds in the, to be entered in Books to be given out and marked by the Lord Clerk Register, 204.
——— Fees and Duties of the Clerks in the, 203.
——— a Revival of the periodical Visitation of the Records kept by the Sheriff Clerks, recommended, 204, 219.
——— Registry of Deeds in the Sheriff's Court consists of Two distinct Branches, 205.
——————— Record of Personal Deeds in, *ibid.*
——————— Record of probative Writs in, *ibid.*
——— Mode of Registration in, of Personal Deeds, *ibid.*
SHERIFF's Offices in Scotland, Insecurity of the Records in, stated, 56, 198, 207, 265.
SHETLAND, Cession of, to Scotland, in 1468, 8.
SHIRLEY Family, Genealogies of the, 78.
SIDNEY, Sir Henry, orders the Statutes of Ireland to be collected, 107.
SIERRA Leone, Reports on the Colony of, 111, 112.
SIGNET, Books relating to the Office of the, 73.
SILVER, Rolls of the Purchases of, in the King's Mint, 50 to 54 Hen. III., among the Miscellaneous Records discovered in the Tower, 185.
SIMEON of Durham, 72.
SIXTUS V., Pope, Improvements in the Vatican by, 70.
SKENE, Sir John, Edition of the Statutes of Scotland which goes by his Name, 106, 169.
——— exhibits a Copy of his MSS. to the Legislature, 106.
——— Additions of, to the "Black Acts," 253.
——— assists in the Revision of the Scottish Laws, during the Regency of the Earl of Morton, and again in 1592, 255, 256.
——— an Annual Pension granted to, out of the Thirds of Ecclesiastical Benefices in 1577, 255.
——— Observations on his Publication of the Scottish Statutes, 256.
——— his Work favourably appreciated at the Time of Publication, *ibid. Note.*
——— his Publication of the Scottish Laws in 1609, 257.
——— the Fidelity of, as an Editor, questioned, *ibid.*
SMITH, Sir Thomas, Letters of, in the Harleian Collection, 76.
——— the French Work on the State of England, printed in the Hague Edition of the Fœdera, shewn to be an Edition only of his Commonwealth, 135.
——— Editions of his "Commonwealth of England," *ibid.*
——— supposed to have written his work originally in French, *ibid.*
——— Means by which the Work got into the Hague Edition of the Fœdera, 136.

INDEX.

SMITH, Sir Thomas, supposed to have written the French Work on the Commonwealth of England for the Prince of Condé, 136.
——— his Work recommended as an Introduction to the new Fœdera, *ibid.*
——— ordered to be omitted in the new Fœdera, 137.
SMUGGLING, Reports relating to, 112.
SOMERSET, Papers relating to Mines in the County of, found among the Records discovered at the Chapter House, 192.
SOMERSET and Dorset, Hundred Rolls of, 55, 53.
SOMERSET Place, Repairs of the Repositories in, ordered, 19, 21, 44.
SOUTHAMPTON, State of the Ecclesiastical Return for the County of, 1. Hen. VIII., 149.
——— "Pleita Foresarum" in the County of, discovered among the Records in the Tower, 185.
SOUTHWARK, Register of, 74.
SPALDING, Register of the Monastery of, 74.
SPEARER's Warrant, Report on Obstructions to, 110.
SPECIAL Commissions, Inquisitiones Post Mortem, and Escheat Rolls, in the King's Remembrancer's Office, Order for, and Progress in the Arrangement of, 19, 21.
"SPECIAL Service," 269.
SPORTE, Richard, 72.
STAFFORD, State of the Ecclesiastical Return for the County of, 1. Hen. VIII., 149.
STAIR, Lord, Remark of, in regard to Scottish Services, 156.
Star Chamber, Proceedings of, 35, 52, 53.
——— among the Harleian MSS., 74.
STATE Paper Office, Measures carried into Execution concerning the, 3, 19, 21.
——— Orders respecting the Removal of, to Whitehall, 16, 22, 44.
——— Records removed to the, in 1770, from the House of Lords, ordered to be arranged and indexed, 20.
——— Progress in arranging and indexing the Records removed from the House of Lords to, in 1770, 22, 52.
STATE Paper Office in Ireland, present Condition of the, 305.
STATE Papers recently brought to light in the Tower of London, 7, 188.
——— discovered in the Chapter House at Westminster since 1800, 191.
STATUTA Walliæ, 87.
STATUTE Law, Plans proposed for the Revision of the, 91.
——— in Scotland, 107.
STATUTE Roll previous to Hen. VIII., sometimes in Latin, sometimes in French, and from that Time uniformly in English, 86.
——— Charters of Inspeximus entered on, reciting and confirming Magna Carta and Carta de Foresta, 95.
——— begins 6 Edw. I., 98.
——— Interruption in, 1. Hen. VI., *ibid.*
——— not preserved after 8 Edw. IV., *ibid.*
——— not made up after 4 Hen. VII., *ibid.*
——— succeeded, for practical Purposes, by the Inrollment in Chancery, 98.
——— Nature of the Statute Rolls, *ibid.*
——— the earliest commences with the Stat. of Gloucester, 6 Edw. I. 1278, *ibid.*
——— from 6 Edw. I. to 8 Edw. IV. 1468, inclusive, with an Interruption from 8 to 23 Hen. VI., preserved in the Tower of London, *ibid.*
——— Extent of the separate Rolls, *ibid.*
——— Evidence of Statute Rolls having existed to 4 Hen. VII., 99.
——— Entries on the, not broken into Paragraphs, 103.
STATUTE Roll of Ireland, Entries on, as late as 8 Hen. VII., in French, 105.
STATUTES and Ordinances of the Realm, an authentic Edition of, undertaken by the Commissioners, 4, 18, 20, 46.
——— Progress of the Work reported, 20, 22, 23, 26, 28, 30, 34, 36, 38.
——— general Conspectus of, to the End of the Reign of K. Edw. II. formed, 22.
——— Introductory Statement with Appendixes, &c. drawn up and printed, 30, 36.
——— corrected and enlarged, 32, 34.
——— First Volume of the, completed, 40, 84, 172.
——— a Second and Third Volume of, ordered to be printed concurrently, 40, 55.
——— Progress of, reported, 42, 55, 172.
——— Text of the, in the Authentic Edition, 102.
——— many Statutes and Ordinances recorded in the Rolls of Parliament, not inserted in the printed Statute Books, 26, 55.
——— Transcripts of ancient Statutes among the Harleian Manuscripts, 74.
STATUTES, old Collections of, among the Lansdowne MSS., 83.
——— Plan of the authentic Collection of, as presented to H. R. H. the Prince Regent, (App. G.), 83.
——— Introduction to the authentic Edition, 86.
——— Variety of the printed Editions in regard to the Language of the Statutes, *ibid.*
——— the earliest printed Edition or Collection of, about the year 1483, *ibid.*
——— Collection of, printed by Lettou and Machlinia, *ibid.*
——— first Instance of a Sessional Publication, *ibid.*
——— Collection printed by Pynson, *ibid.*
——— Contents of the smaller Edition of the Statuta Antiqua, *ibid.*
——— first English Abridgement of, by Rastall, *ibid.*
——— when first endited in English, *ibid.*
——— Editions of the alphabetical Arrangement of the, 87.
——— earlier Abridgements of the, made in Latin or French, *ibid.*
——— Berthelet's Collection of the, previous to 1 Edw. III., *ibid.*
——— Contents of the Antiqua Statuta not arranged with chronological Accuracy, *ibid.*
——— Variations in Tottell's Edition of the Statuta Antiqua, in 1556, *ibid.*
——— Variations in Tottell's later Editions in 1576 and 1587, *ibid.*
——— earliest printed Translation, not abridged, of the Charters, and of several Statutes previous to 1 Edw. III., *ibid.*
——— Statutes in English, from Hen. III. to 19 Hen. VII., printed by Berthelet, *ibid.*
——— certain of the old Statutes always printed without Translations, *ibid.*
——— "The Great Bake of Statutes," ending 34 Hen. VIII., *ibid.*
——— William Rastall's first Edition of the Collection of Statutes, 1557, *ibid.*
——— reprinted in 1579 and subsequent Years, *ibid.*
——— careful Revisions in from Time to Time, 88.
——— Barker's Edition of the Statutes, in English, affording the first Instance of the Term, "Statutes at Large," *ibid.*
——— none of the Statutes between 1 Edw. III. and 1 Hen. VII., printed in Latin or French, after Rastall's Edition in 1579, till Hawkins's in 1735, *ibid.*
——— Edition of 1618, usually called Rastall's, *ibid.*
——— Pulton's Collection published in the same Year, *ibid.*
——— several Statutes in, translated for the first Time, *ibid.*
——— subsequent Editions by Pulton, *ibid.*
——— Peculiarities of Pulton's Collection, *ibid.*
——— small Collections of the Statutes in French and Latin, frequently reprinted till after 1618, *ibid.*
——— Collection of the, inserted in Lord Coke's Second Institute, *ibid.*
——— partial Collections of Acts published, during the Usurpation; and an authentic Collection of, by Scobell, from 1640 to 1656, *ibid.*
——— Editions of the Statutes of Car. I. & II. published after the Restoration by the King's Printers, *ibid.*
——— Keble's Edition of the Statutes at Large, published in 1676, 89.
——— Account of Serjeant Hawkins's Edition of the Statutes, *ibid.*
——— Particulars of Cay's Edition of the Statutes, published in 1758, *ibid.*
——— Ruffhead's Collection published, 1762 to 1769, *ibid.*
——— Pickering's Edition of the Statutes, published at various Times, between 1762 and 1766, *ibid.*
——— Statutes of Ric. IIId's Reign, originally published in French, 90, 91.
——— Variations of the Translation of the Statutes, now chiefly in Use, from the original Text, 90.
——— Errors and Omissions of the different Editions of the Statutes, *ibid.*
——— earliest Editions of entire Statutes, *ibid.*
——— verbal Variations in the different Editions, *ibid.*
——— Statutes of Henry III., Edw. I., and Edw. II., not printed entire till the Beginning of the Sixteenth Century, *ibid.*
——— Statute of Gloucester, the earliest now existing on any Statute Roll, *ibid.*
——— no complete printed Translation of all the Statutes previous to Hen. VII., exists, 91.
——— no complete Edition heretofore undertaken by Authority, *ibid.*
——— Heads of Sir Nicholas Bacon's Plan for reducing, ordering, and printing the Statutes of the Realm, *ibid.*
——— Sir Francis Bacon gives a Sketch or Plan of a general Revisal of the Statute Law, *ibid.*
——— a Reform of all the Statute Law, and more particularly of the Penal Laws, recommended by James I., *ibid.*
——— Progress of the Reform under Sir F. Bacon, Lord C. J. Hobart, Serjeant Finch, Mr. Noy, and others, *ibid.*

STATUTES,

INDEX.

STATUTES, Plan of an elaborate Report noticed, particularising the several Statutes from the Statute of Westminster, the first 3 Ed. I. to 7 Jac. I., 1609, then actually repealed or expired, 92.
——— MS. Collection of Statutes made by Mr. Heneage, *ibid.*
——— Revision of the Statutes resumed during the Usurpation, *ibid.*
——— Sir M. Hale, Sir Anthony Ashley Cowper, and Mr. Rushworth, ordered to report upon the Inconveniences of the Law, *ibid.*
——— Perusal of the Statute Laws again resumed after the Restoration, *ibid.*
——— the earliest Instance of the Exertions of an Individual, without the Sanction of Parliamentary Authority, towards making a Collection of Statutes from authentic Sources, afforded by Pulton, *ibid.*
——— Detail of Pulton's Plan, 93.
——— ——— objected to by Bowyer and Elsynge, *ibid.*
——— Statement of the Means employed by Pulton in compiling his Collection, *ibid.*
——— Defects of Pulton's Publication as a general Collection of the Statutes, *ibid.*
——— Objections applicable to Hawkins's and Cay's Editions of the Statutes, 94.
——— a complete Edition finally taken up by the Record Commissioners in 1800, *ibid.*
——— Charters prefixed to the authentic Collection of the Statutes, *ibid.*
——— of the Matters inserted in the authentic Collection of the Statutes, and their Arrangement, 96.
——— Purpose and Sources of, various Readings of the Statutes, *ibid.*
——— of the Sources whence the several Matters in the authentic Collection have been taken, 97.
——— earliest Statutes contained in the several Collections, 98.
——— no Parliamentary Record of Statutes now extant Prior to 6 Edw. I., *ibid.*
——— Books of Record enumerated containing Entries of Statutes, and Parliamentary Proceedings, 100.
——— Entries of, occasionally included in the Close, Patent, Fine and Charter Rolls, *ibid.*
——— Manuscript Collections of, preserved in public Repositories, 101.
——— Books and Manuscripts not of Record, containing Entries or Copies of Statutes, *ibid.*
——— Chartularies in Cathedrals, containing Copies of some of the old Statutes, *ibid.*
——— MS. Collections of, preserved in other public Libraries, *ibid.*
——— Rules of Preference adhered to, in using the different Sources for the Text of the authentic Collection of the Statutes, 102.
——— Mode used in searching for, transcribing, collating, and printing the Text of the Statutes, *ibid.*
——— various Readings in the Text, how suggested, *ibid.*
——— of the original Language of the Charters and Statutes, 103.
——— of the Translations adopted in the authentic Collection of the Statutes, 105.
——— Promulgation of, before and since the Union of Great Britain and Ireland, 107.
——— Defect in the Promulgation of, in Great Britain, amended, 108.
——— Reference to Reports on the Promulgation of, 112.
——— Entries among the Placita concerning Statutes and Ordinances, 140.
——— Account of a singular MS. of the Statutes from 9 Hen. III. to 11 Hen. VII., preserved in the Bodleian Library, 179.
——— Records of Statutes and Placita Parliamentaria, discovered in the Chapter House, 191.
STATUTES of Scotland and Ireland, published by Royal or Parliamentary Authority, 206, 207.
——— of Ireland, first collected and printed in 1537, 207.
——————— Sir Richard Bolton's Abstract of, ordered to be printed, *ibid.*
——— published in 8 Vols. folio, 1765, by Authority, *ibid.*
——— continued in subsequent Volumes to the Union, *ibid.*
——— Scottish, a supplementary Collection of, proposed in 1732, 296.
——————— a complete Edition of, intended, *ibid.*
——————— Causes which have retarded the Completion of the Design, 297.
——— Copy of the Memorial presented to the Lord Clerk Register in 1772, by the Faculty of Advocates, concerning a Supplementary Collection of, 211.
——— Report of Progress by the Sub-Commissioners on the Irish Statutes, 314.
" STATUTES at Large," earliest Instance of the Term, 88.
STEPHEN, K. Copies of the Charter of, of the Liberties of the Church, at Exeter and Canterbury, 340, 181.
STEWARD, Lord High, MSS. on the Authority, &c. of the, 75.
STIRLING Castle, Stipulation ineffectually attempted at in 1651, concerning the Records of Scotland, 248, 249.
STONER, Court-Rolls, Deeds, Letters, &c. of the Family of, of Stoner in Oxfordshire, among the Records discovered in the Tower, 185.
STOW, John, Manuscripts of, purchased by Lord Oxford, 71.
STRATFORD, Dr. assists Lord Oxford in his Collection of MSS. *ibid.*
STREET, Co. Somerset, Complaint of the Parson of, against the Abbot and Convent of Glastonbury, 1. Hen. V., 189.
SUBSIDIES, Books of, among the Harleian MSS., 73.
SUCCESSION, Brieve of, Writ to enquire, 269.
——— Points of the, enumerated, *ibid.*
——— Innovation upon the ancient Usage of, *ibid.*
——— Proceedings in pursuance of, *ibid.*
——— Two distinct Classes of Inquisitions entered under, *ibid.* 271.
SUFFOLK, State of the Ecclesiastical Return for the County of, 1. Hen. VIII., 150.
——— Return of all Ships in the Ports of, 22 Edw. I. found among the newly discovered Records in the Tower, 186.
——— Letter Missive of K. Edw. IV. concerning a new Commission for the County of, 190.
SUFFOLK, Earl of, the Wardship and Marriage of the Daughter of the Duke of Somerset, 22 Hen. VI., ordered to be granted to, 190.
SUPPLEMENT to Rymer's Fœdera. *See* Fœdera.
SURIANO, Michael, Description of England by, 78.
SURRY, State of the Ecclesiastical Survey of, 1. Hen. VIII., 149, 150.
SURVEYOR General of Crown Lands in Ireland, Maps preserved in the Office of the, 304.
SURVEYS of Crown Lands, Orders concerning Indexes to the, 54.
SURVEYS and Accounts of forfeited Estates, in consequence of Attainders found among the Records discovered in the Chapter House, 191.
SURVEYS of Property, 1. Edw. I. &c., discovered in the King's Remembrancer's Office, 194.
SUSSEX, State of the Ecclesiastical Survey for the County of, 1. Hen. VIII., 149, 150.
SWEREFORD, Alexander de, the Compiler of the Red Book of the Exchequer, 190.

T.

TAILZIES, Abridgement of the Record of, 58, 58, 173.
TAILZIES and Inventories, Act passed for transmitting the Registers of, in Scotland, to the Gen. Reg. House, 40, 47, 50.
——— Remarks on the proposed annual Transmission of, 115.
——— Register of, where kept, 230.
TALBOT, Copy of Magna Carta, 9 Hen. III., preserved by the Family of, at Lacock Abbey, 95.
TALLY Court Office recommended to be rebuilt, 52.
" TAXATIO Ecclesiastica Angliæ et Walliæ, auctoritate P. Nicholai IV.," ordered to be printed from the Transcript in the Exchequer, 27, 46.
——— Progress in the printing of, reported, 19.
——— completed and published, 51, 122, 172.
——— many original Rolls of, discovered among the Records in the King's Remembrancer's Office in the Exchequer, 194.
TAXATIO Nova, A. D. 1318, 146.
TAXATIONS of the Religious and the Laity, found among the Records discovered in the King's Remembrancer's Office in the Exchequer, 7, 194.
——— of Property, 1. Edw. I. and subsequently, discovered among the Records in the King's Remembrancer's Office Exchequer, *ibid.*
TEINDS, Records of, ordered to be transmitted to the General Register House of Scotland, 40, 216.
——— the Transfer of the Records of, made to new Apartments in, and not on the General Repository of, the Register House, 51.
——— Remarks on the proposed annual Transmission of to the General Register House, 116, 215.
TELLERS Office, in the Exchequer, recommended to be rebuilt, and removed from Fore St., 52.
TEMPORALITIES, Restitutions of, to Bishops, Abbots, and other Ecclesiastical Persons, entered on the Patent Rolls, 64.
TESTA de Nevill, sive Liber Feodorum in Curia Scaccarii, temp. Hen. III. & Ed. I., 27.

INDEX.

TESTA de Nevill, Progress in the Transcript and printing of, reported, 175, 185, 189, 360.
——— the printing of, completed, 5, 31, 322, 372.
——— Table of Contents to, with a Specimen engraved from the Original entered, 46.
——— Transcript of, among the Lansdowne MSS., 83.
——— Account of the, 111.
——— why so called, *ibid.*
——— the Entries specifically so called, form but a small Part of the whole, *ibid.*
——— among the Records discovered in the King's Remembrancer's Office of the Exchequer, 300.
TEXTUS Roffensis, Charter of Liberties in Hen. I. entered in, 94, 183.
THAMES, Navigation, Report upon, 111.
THIRNYNG, Sir William, Speech of, to K. Richard II., 168.
THOESEL, Records of the, at Dublin, 302.
THOMAS, Hugh, MSS. of, relating to Welsh Genealogy, 76.
"THEF of Mercury," legal Term of, defined, 119.
TONSON, Jacob, obtains a Privilege from K. Geo. I., for republishing Rymer's Feodera, 115.
TOTTELL's Edition of the Antiqua Statuta in 1556, 85.
——— various Readings in Tottell's later Editions of 1570 and 1587, *ibid.*
TOWER of London, Proceedings of the Commissioners in regard to the unarranged Records at, 3.
——— enlarged Establishment of Clerks at, 6. (App. P.) 175.
——— neglected Records in, treasure discovered there, 6.
——— Repair of the Apartment adjoining to Cæsar's Chapel in, 16, 19, 24.
——— Calendar of the Exchequer Rolls at, ordered, 24.
——— Transcript of the Hundred Rolls at, ordered, 30.
——— Progress in the, 32, 33, 34.
——— Calendars and Indexes to the Patent, Close, and Charter Rolls in, ordered to be printed, 17, 33, 34.
——— Calendar of the Inquisitiones ad quod Damnum in, completed, 23.
——— Index to the Patent Rolls in, ordered to be printed, 16, 32.
——— Index to the Charter Rolls in, ordered to be printed, 45.
——— Indexes in progress to the Bills, Answers, Depositions, and other Chancery Proceedings in, from the Reign of Eliz. to 1714, 24.
——— Bowyer the first Person who reduced the Tower Records into order, and digested Repertories of them, 114.
TOWER, Care of the Records in, confided to W. Prynne, 113.
——— Prynne publishes the exact Abridgement of them, *ibid.*
——— Records suspected to have been purloined from, in former Times, 119.
——— Enumeration of Instruments and Records in, illustrative of Scottish History, 152, 162.
——— Report of the several Public Records, &c. discovered at the Tower since the beginning of 1804, (App. B.) 183.
——— Scottish Records relating to Matters of private Right in, sent back to Scotland in 1037, 208.
TOWN Clerk's Office, *See* London.
TRANSCRIPTUM Libri Albi, in the Town Clerk's Office, London, 101.
TRANSFERS of Records in Scotland to the General Register House, recommended, 108, 224.
TRANSLATION of the Abridgement of the Statutes in 21 Hen. VIII., printed by John Rastell, 86.
——— earliest printed Translation of the Statutes not abridged, published in 1533, by Pynson, 87.
——— of Statutes Hen. III. to 1 Rich. III., in Berthelet's Edition, 1563, *ibid.*
——— of the Statutes, prior to Henry VII., in Rastell's Edition of 1559, 88.
——— several Statutes for the first Time translated by Pulton, 1618, 88.
——— Hawkins's Opinion of the received Translation, 89.
——— Coy's Criticism on the received Translation, which he attributes entirely to Ferrars, *ibid.*
——— no complete Translation, 90, 91.
——— of the Translation in the new Collection of the Statutes, 360.
TREATIES between Scotland and England, records discovered in the General Register House, 8.
——— between the Sovereigns of Scotland and France, 168.
——— Transcripts into the different States of Europe, from Edw. I. to Eliz., discovered in the Chapter House, 191.
TREVISA, John de, Translation of Higden's Polychronicon, by, 178.
TRIAL by Demesne, 140.
——— by Doomsday of Chester, *ibid.*
TRIAL by the Roll of Winton, 140.
——— by Duel, *ibid.*
——— by Ordeal, *ibid.*
TRINITY College Cambridge, MS. Collections of the Statutes at, 302, 180.
TRINITY College, Dublin, MSS. of the Statutes at, 301, 302.
TRIVET, Nicholas, Annals of, 72, 139.
TUBIN, Libraries at, 76.
TURNPIKE Roads, Report on, 111.
TWYSDEN, Sir Roger, "Historiæ Anglicanæ Scriptores Antiqui," published by, 189.

V.

VACCINE Inoculation, Report on, 112.
VALE Royal, Letter from the Abbot of, to King Edw. III., concerning the Subsidy demanded for the Marriage of his Sister, 188.
——— Foundation and Condition of the Monastery, *ibid.*
VALLANCY, General, Borony Maps made by, 304.
"VALOR Ecclesiasticus temp. Hen. VIII." ordered to be transcribed and printed, 30, 46, 140, 150.
——— Reports of Progress in, 31, 32, 33, 34, 35, 36, 37, 38.
——— the first Volume announced as completed, 40, 172.
——— Progress in printing the Second Volume of, reported, 414, 422, 372.
——— Plan of the Value, (App. I. 2.) 149.
——— Contents and Condition of the Books and Rolls containing it, Originals and Copies, *ibid.*
——— Statement of the Returns now wanting to, 150.
VATICAN Library, the, improved by Pope Sixtus V. and Pope Clement XI., 76.
——— the Heidelberg Library removed into, *ibid.*
——— enriched from the Libraries of the North, 76.
VAUGHAN, Mr. of Hengwrt, MSS. collected by, *ibid.*
VENICE, Library of St. Mark at, 76.
VERDICTS called in Question, 139.
"VETERA Statuta," small Editions of, 87.
"VETUS Codex," Book of Insolmnze so called, preserved at the Tower, 106.
VETTH de Wiona, Strictures on the Authenticity of the Letter from to the Duke of Austria, 118, 135, 188.
——— the Letter itself copied by Rymer in his Fœdera, from Brompton, 130.
——— a second Letter of, inserted in Brompton, *ibid.*
——— Ralph de Diceto the first Authority for these Letters, *ibid.*
——— the whole considered as a Fabrication, 131.
VIENNA Imperial Library at, how enriched, 76.
VISITATIONS of Kings of Arms, MSS., 75.
VISITORS of Religious Houses, Letters from the, 1 Hen. VIII. 304.

U.

UNION, Journal of the Treaty of, with Scotland, among the Harleian MSS. 76.
UNITED Kingdom, Reference to report on, 111.
UNIVERSITIES, Statutes of the several Colleges and Halls of the, 71.
——— Libraries of, to which Works printed under the Record Commission are sent. (App. C.) 174.
USURPATION, Collection of Records during the, 88.
——— Plans during the, for the Revision of the Statute Law, 92.

W.

WAKEFIELD Tower, in the Tower of London, State Papers discovered in, 184.
——— judicial Records discovered in, 185.
WALDEN Priory, Chartulary of, 74.
WALES, MSS. relating to, in the Harleian Collection, 75.
——— Transcript of the Statutes of, 12 Edw. I. 179.
——— a Roll containing the Appointments of the Assessors and Collectors of the Subsidy of a 30th granted to K. Edw. I. towards his Expedition against Wales, &c. found among the county discovered Records in the Tower, 186.
——— Ministers Accounts of Possessions in North and South Wales, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 194.
WALLIÆ Statuta, 12 Edw. I. no Translation of the, in the old Collections of the Statutes, 87.
WALLINGFORD, John, 72.

INDEX.

WALSINGHAM, Sir Francis, Letters of, in the Harleian Collection, 76.
WALSINGHAM, Thomas, 72.
WALTER of Coventry, 72.
WALTHAM, Registers of the Abbey of, 74.
WANLEY, Humphrey, the first Former of the Harleian Catalogue of MSS. 76.
WARDROBE Accompts, among the Harleian MSS. 73.
——— of 6 and 18 Edw. I. among the Miscellaneous Rolls discovered in the Tower, 185.
——— of Edw. I. and Hen. VIII. among the Records in the Chapter House, 193.
——— among the Records discovered in the King's Remembrancer's Office in the Exchequer, 194.
WARDS and Liveries. *See* Court.
WARDSHIP and Marriage of the Daughter of the Duke of Somerset, ordered in a Letter Missive of K. Henry VI. to be granted to the Earl of Suffolk, 190.
——— Grants of Wardships and Liveries &c. in Ireland, (*t.* Hen. VIII. to Charles II.) in the Office of Under Secretary for Civil Affairs, 303.
WARRANT Royal, for appointing the Deputy Clerk Register in Scotland (App. W. 1.), 222.
——— Commission, &c. consequent upon the Warrant, 223.
WARREN, John de, Earl of Surrey, Claim of, concerning the Bishoprick of Bangor, 76.
WARWICK, State of the Ecclesiastical Survey for the County of, *t.* Hen. VIII., 150.
——— Earl of, Surveys and Accounts of the forfeited Estates of, among the Records discovered in the Chapter House, 191.
WASTE Lands, Reports on, 111.
WATERFORD, search at, for the Exemplification of English Statutes mentioned by Sir R. Bolton, 302.
——— Destruction of the Records at, *ibid.*
WEIGHTS and Measures, Statutes relating to, 90.
——— Standards of, 109.
WELBECK, Register of the Monastery of, 74.
WELLS, Statutes of the Cathedral of, 74.
——— Exemplification or Transmiss of the "Sententia Excommunicationis in Transgressores Cartarum, A. D. 1253." preserved at, 177.
——— Exemplification of the Statute "Super prisis bonorum Cleri," at, *ibid.*
——— of the Stat. 15 Edw. III. st. 1. at, *ibid.*
WERBURGH, St. Register of the Monastery of, 74.
WESTMINSTER, Statutes of the Abbey Church at, 74.
——— Book of Indenture between the Abbot and Convent of, and K. Hen. VII., 75.
——— Charter of 28 Edw. I. confirming Magna Charta, preserved at, 95.
——— Statute of, in many MSS. in French, 104.
——— entered in the Red Book of the Exchequer at Dublin, 300.
WESTMORELAND, State of the Ecclesiastical Survey for the County of, *t.* Hen. VIII., 150.
WETHERALL, Chartulary of the Abbey of, preserved in Carlisle Cathedral, 178.
WHATELY, English Edition of the Acta Regia by, 117, 124.
WHETELEY, Manor of, committed to Farm, 185.
WHITELOCK, Bulstrode, on the Committee in 1650 for revising the Statute Law, 92.
WIGMORE, Liber Niger de, 75.
WILLIAM K. of Sicily, Charter of Dowry from, to Joan Daughter of K. Henry, copied from the old Historians by Rymer, 129.
WILLIAM St., Archbishop of York, 73.
WILLS, and Proceedings of Ecclesiastical Courts, Necessity for the perfect Safety of, 62.
——— Royal, of King Ric. II., Hen. V., Hen. VII., and Hen. VIII., among the Records discovered in the Chapter House, 193.
WILTS, State of the Ecclesiastical Return for the County of, *t.* Hen. VIII., 150.
WINCHESTER, Statutes of the Cathedral of, 74.
——— Report on Prisoners of War in the King's House at, 111.
——— no original Records or MS. Copies of Charters and Statutes remaining either at the College or Cathedral of, 177.
WINDSOR Castle, Expences of Buildings and Repairs at, among the Records discovered at the Chapter House, 192.
——— Accounts of the Constable of the Castle, with those of the Forest, Manors, and Hundred of, found among the Records in the King's Remembrancer's Office in the Exchequer, 194.
WINTON, Trial by the Roll of, 140.
WLFSTAN, St., MS. Life of, 74.
WOD, James, Abridgement of a Retour of Service, relating to the Lands of, 159.
WOLSEY, Cardinal. Proceedings in 840 Suits whilst Wolsey was Chancellor, found among the newly discovered Records in the Tower, 184.
———, Letters and Correspondence of, among the Records discovered at the Chapter House, Westminster, 7, 29, 191, 193.
——— Licences to Cardinal Wolsey to endow his College, found among the Records discovered in the Chapter House, 191.
WOOD-Sales, Papers relating to, *t.* Hen. VIII. & Edw. VI., found among the Records discovered at the Chapter House, 193.
WOOL, Reports on, 112.
WORCESTER, State of the Ecclesiastical Valor for the County of, *t.* Hen. VIII., 149.
WORCESTER Cathedral, a Transcript of some old Statutes in the Library of, 178.
WORKS printed under the Orders of the Record Commission, (App. N.), 172.
——— printing or transcribing for the Press, 172, 173.
WORSLEY, Col., 71.
WRIT, Transcript of Statutes by, 99.
WRITS, Original, Judicial, &c., discovered among the Chapter House Records, 192.
——— Register of, in Scotland, Amendment of the, proposed, 229.
——— Alteration in the Formation of Writs passing under the Great Seal and the Privy Seal in Scotland, 240.
——— de Ætate Probanda, among the newly discovered Records in the Tower, 184.
——— of Right, 140.
WULFRIC, St., MS. Life of, 73.
WYNTOUN, Andrew of, MSS. of his Chronicle, 76, 83.
WYRARDISBURY, Manor of, committed to Farm, 185.

Y.

YEAR Books, the Completion and Publication of the Series of, from Edw. I. to Hen. VIII., with a General Index, recommended, 61.
——— among the Harleian MSS., 74.
YORK, Register of St. Mary's at, among the Harleian MSS., 74.
——— ancient Ledger or Chartulary at, called Domesday Book, containing Exemplifications of some of the Charters of Liberties, 179.
——— State of the Ecclesiastical Survey for the County of, *t.* Hen. VIII., 150.
——— Return of Incumbents in the County of, A. D. 1536, *ibid.*
——— Papers relating to Rebellions and Treasons in, *t.* Hen. VIII., among the Chapter House Records, 191.
——— Warburton's MS. Collections for the County of, 38.
YORK Buildings Water-works Company, Report upon, 109.
YORK Place, Expences of Buildings and Repairs at, among the Records discovered at the Chapter House, 192.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1812.

00108327

Digitized with financial assistance from

Government of Maharashtra

on 01 February, 2020